

1

2

3

4

5 SELECT COMMITTEE TO INVESTIGATE THE  
6 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
7 U.S. HOUSE OF REPRESENTATIVES,  
8 WASHINGTON, D.C.

9

10

11

12 INTERVIEW OF: DONELL HARVIN

13

14

15

16 Monday, January 24, 2022

17

18 Washington, D.C.

19

20

21 The interview in the above matter was held via Webex, commencing at 1:04 p.m.

22 Present: Representatives Lofgren and Murphy.

1     Appearances:

2

3

4     For the SELECT COMMITTEE TO INVESTIGATE

5     THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6

7     [REDACTED] INVESTIGATIVE COUNSEL

8     [REDACTED], SENIOR INVESTIGATIVE COUNSEL

9     [REDACTED], INVESTIGATIVE COUNSEL

10    [REDACTED] RESEARCHER

11    [REDACTED] ADMINISTRATIVE ASSISTANT AND SCHEDULER

12    [REDACTED] PROFESSIONAL STAFF MEMBER

13    [REDACTED] INVESTIGATIVE COUNSEL

14    [REDACTED] STAFF ASSOCIATE

1

2 [REDACTED] Good afternoon. This is an interview of Donell Harvin conducted  
3 by the House Select Committee to Investigate the January 6th Attack on the United States  
4 Capitol, pursuant to House Resolution 503.

5 Dr. Harvin, could you please state your full name and spell it for the record?

6 Mr. Harvin. Good afternoon. It's Donell Harvin, D-o-n-e-l-l; Harvin, H-a-r-v-i-n.

7 [REDACTED] Thank you. This will be a staff-led interview, and members, of  
8 course, may choose to also ask questions if any join the call.

9 For example, I do see that Congresswoman Zoe Lofgren is on the call, and as and  
10 when or if members join, I will state so for the record.

11 My name is [REDACTED], and I'm an investigative counsel for the select  
12 committee. I'd also like to introduce everyone that's on our side on the select  
13 committee participating in the interview today or present. There is our senior  
14 investigative counsel, [REDACTED]. There is other staff, including [REDACTED],  
15 [REDACTED], [REDACTED], [REDACTED], and I believe that should cover everyone on  
16 our side.

17 There is an official reporter transcribing the record of this interview. Please wait  
18 until each question is completed before you begin your response, and we will try to wait  
19 until your response is complete before we ask our next question. The stenographer  
20 cannot record nonverbal responses such as shaking your head, so it's important that you  
21 answer each question with an audible, verbal response.

22 We ask that you provide complete answers based on your best recollection. If  
23 the answer is not clear, please ask for clarification. If you do not know the answer,  
24 please say so. I also want to remind you that it is unlawful to deliberately provide false  
25 information to Congress. You will have an opportunity to review the transcript once it is

1 completed.

2 EXAMINATION

3 BY [REDACTED]:

4 Q Let's begin with, where do you work currently, Dr. Harvin?

5 A I'm currently a senior political science researcher at the RAND Corp in the  
6 Washington, D.C., office.

7 Q Where did you work back on January 6th, 2021, and under what title?

8 A On January 6th, 2021, I was the chief of Homeland Security and Intelligence  
9 serving as the executive director of the National Capitol Region Intelligence -- Threat  
10 Intelligence Center, which is the Washington, D.C.'s, fusion center under the D.C.  
11 Homeland Security and Emergency Management Agency.

12 Q Can you tell us when you assumed that post as executive director and when  
13 did you leave it?

14 A I assumed my post in October of 2018, and I left D.C. government in April of  
15 2021.

16 Q May you briefly describe your professional experience up to and until you  
17 assumed that post?

18 A My entire professional experience?

19 Q Very briefly, if you can, yes.

20 A Okay. Well, briefly, I started off -- I've been in public safety my entire adult  
21 life. I started off working as a lifeguard in the city of New York, progressed to become a  
22 paramedic working for the fire department of New York City, and then I worked for  
23 several government agencies. After I was the director of special investigations and  
24 special operations for the New York City Medical Examiner's Office. I was the chief  
25 research scientist for the New York City Department of Health in their bureau of

1 environmental emergency response. I served as the -- then I came on to D.C., served as  
2 the administrator for Emergency Management and Forensic Field Operations for the D.C.  
3 office of the chief medical examiner before I received the promotion to go to D.C.  
4 Homeland Security Emergency Management.

5 Q Thank you. Let me ask you about NTIC. Is that the abbreviation for the  
6 organization you were head of?

7 A Absolutely. So National Capitol Region Threat Intelligence Center, which  
8 we called NTIC.

9 Q So let me ask you, does it have any role or -- roles or responsibilities greater  
10 than or different to other fusion centers across the country?

11 A Could you rephrase that, please?

12 Q Sure. I'm wondering if -- you called it, of course, the D.C. fusion center, I'm  
13 wondering if it has any other role or responsibilities different than other FUSION centers  
14 around the country or whether it's, as you put it, the D.C. fusion center, so with the same  
15 roles, the same responsibilities as any other?

16 A It's a fusion center like the other fusion centers in the National Fusion Center  
17 Network. It's DHS funded. However, the uniqueness of it, obviously, is its  
18 geographical area, the area of responsibility, and the fact that our fusion center has  
19 multiple Federal Government headquarters in the area of responsibility, or AOR. So that  
20 makes it unique amongst fusion centers.

21 Q As executive director, what was your role, as in, might you just give us a job  
22 description for your post?

23 A As the executive director of the D.C. fusion center, obviously, there were  
24 administrative responsibilities, H.R., finance, mundane things that I won't bore you with.  
25 However, my primary task in managing the work of the fusion center was overseeing the

1 staff of about 30 analyst supervisors in the collection, analysis, sharing, dissemination of  
2 information and in intelligence, finished intelligence.

3 Q Who was your direct supervisor at the time?

4 A My direct supervisor was Dr. Christopher Rodriguez, who is the -- still  
5 currently the director of D.C. Homeland Security Emergency Management Agency.

6 Q And I'll be referring to that as HSEMA. Could you describe NTIC's  
7 relationship to HSEMA?

8 A I'm sorry. You came across really garbled in that last question, if you could  
9 repeat it?

10 Q And, of course, court reporter, Madam Court Reporter, if there's any point  
11 where you don't understand what we say and want us to repeat, please, let us know.

12 My question was, can you just describe -- you mentioned that the HSEMA Director  
13 was your boss, was your supervisor. Describe for us how those two agencies work  
14 together, NTIC and HSEMA? What are their different roles, how are they positioned  
15 vis-a-vis one another?

16 A NTIC is a [inaudible] of D.C. Homeland Security. It is a new establishment  
17 of [inaudible].

18 Q Dr. Harvin, you were in the middle of an answer explaining the relationship  
19 between NTIC and HSEMA?

20 A So the NTIC is a component of D.C. Homeland Security and Emergency  
21 Management under the Homeland Security Division that I oversaw. Previously, the  
22 fusion center was in the D.C. Police many years ago, but before I came, it had been  
23 moved over to D.C. Homeland Security, and there it resides.

24 Q May I ask, is it the same, or is it a different entity -- the National Capitol  
25 Region Threat Intelligence Consortium?

1           A    Yes, it's the same.

2           Q    Okay.   Because I think I heard you say "center," but consortium, it's NTIC,  
3 it's your D.C. fusion center?

4           A    Yes.

5           Q    Perfect.   Can you give me a brief -- if you know -- to the extent that you  
6 know it -- just a history of fusion centers?   Did they come to be after 9/11?   Is that your  
7 understanding?

8           A    Yes.   So the 9/11 report outlined several recommendations that talked  
9 about creating -- reforming existing domestic intelligence information and collection with  
10 the existing agencies.   Obviously, the formation of the Department of Homeland  
11 Security was a key recommendation, but also providing State and local authorities with  
12 timely and actionable information and intelligence was one of the big recommendations.

13           The fusion centers were seen as the key for that.   So after the creation of the  
14 Department of Homeland Security -- I don't know the exact date.   I think the first fusion  
15 center popped up in, you know, circa 2006 or so, and fusion centers started being  
16 designated as primary fusion centers.   Now every State has a fusion center, every  
17 territory, and in some States that are larger have multiple fusion centers.

18           Q    Are there any restrictions, Federal or local, that guide your collection of  
19 intelligence like other agencies within the IC community, Intelligence Community?

20           A    Well, there's certain civil liberties, civil rights, and privacy statutes that we  
21 have to follow.   I'm not an attorney, and I'm not a privacy officer, but we have people in  
22 our agency that keep us from running afoul of the law, not only State and local law, but  
23 also Federal law, in regards to really protection of citizens' privacy and their civil rights.

24           Q    So is it your understanding that the restrictions are quite similar to the ones  
25 that Federal agencies, such as the Department of Homeland Security, INA Division, or

1 Federal Bureau of Investigations that they face? Is that fair?

2 A I would agree with that. I would also go as far as to say that, because our  
3 fusion center was not a law enforcement fusion center on January 6th, we had even less  
4 capabilities than some of the other fusion centers that are law enforcement fusion  
5 centers.

6 So we, for example, we couldn't go and petition a court for a warrant, electronic  
7 or otherwise, and so most of the work that we did was in collecting -- is supporting our  
8 law enforcement partners be they local or Federal.

9 Q How big is NTIC in terms of personnel? And if it's changed, you can sort of  
10 limit your answer to January 6th of 2021 and tell me the types. Are these analysts?  
11 You know, talk to me about the numbers and generally, of course, I know that you may  
12 not know exact numbers, just general how big is it, and what types of folks are working in  
13 it?

14 A Yeah. So I had roughly 30 or 32 full-time employees plus, I think I was in  
15 the process of filling one or two of those. So let's just say about 30. A small cadre of  
16 that is contract support, intelligence analyst at the junior level, roughly three to four, and  
17 the rest of those are intelligence analysts. I did have a team of what we call watch  
18 analysts that did a 24-hour watch-and-warn function, not just for D.C., but for the  
19 national Capitol region.

20 So our responsibility for the D.C. fusion center is a little bit bigger than the District  
21 of Columbia. We had responsibilities to northern Virginia and southern Maryland in  
22 regards to our ability to collect and share information on a watch and warn, you know,  
23 function -- I don't know how better to describe it -- whereas the other fusion centers lack  
24 that 24-hour capability; we supported them with that.

25 Q Let's start our conversation about the lead up to January 6th with the first

1 two MAGA marches on November 14th and December 12th of 2020.

2 What was the threat landscape, if any, leading up to those events, in particular,  
3 and how would you characterize the scope and volume of the violence the city  
4 experienced, if any?

5 A So the threat landscape was familiar to us because we had seen the main  
6 protagonists were and antagonists were familiar to us. It was the radical left in the form  
7 of antifa and other loosely aligned groups that had coalesced around the Black Lives  
8 Matter movement that had sprung up post the murder of George Floyd. And then,  
9 subsequent, you know, you're -- I would call them mostly local White supremacy groups,  
10 particularly the Proud Boys, made up the bulwark of the antagonists.

11 In November and December, the threat landscape involved interpersonal violence  
12 between opposing groups. The left were out and about generally to antagonize -- I'm  
13 going to reverse this. The right was out and about to antagonize the left. The left had  
14 come out to march and show support for the current -- at that time the current  
15 administration, as well as to decry what they believed were the results of a flawed  
16 election.

17 Q So you said that a lot of threats landscape was similar to what you had seen  
18 in the summer of 2020 and you spent a good amount of your answer talking about  
19 protesters and counterprotesters. Is that what you anticipated any level of violence  
20 would involve those two groups, the protesters and counterprotesters? And what was  
21 the reality? What actually happened at those events? How would you characterize  
22 the amount and the target of the violence for those two events?

23 A The threat landscape for December and November were totally different  
24 than what they were in May, June, July, August, September, October. When we had the  
25 protests and a lot of the violent left out, there were widespread -- there was widespread

1 violence throughout the city, mostly centered around that downtown area it, clearly.

2 We saw rioting. We saw looting. We saw attack on law enforcement in large  
3 numbers and a deployment of homemade weapons that we did not see in November and  
4 December, particularly the Molotov cocktails, the bricks, the baseball bats, the lasers  
5 being pointed at law enforcement. Those things did not manifest in November or  
6 December.

7 But, you know, there was a transition point where, in the summer, we started  
8 seeing the left come out to interact violently with the right. So, you know, post-murder  
9 of George Floyd May, June, July, August was predominantly the left, and then the right  
10 started coming -- the right started coming out and -- like the Proud Boys -- they started  
11 coming out to violently interact with the radical left elements.

12 And then we started seeing after the election a lot of the left-wing groups, like  
13 antifa, started dissipating, and it was predominantly the right, but you did have extensive  
14 interpersonal violence and clashes between the left and the right in November and  
15 December. It was a different type of violence; whereas in the summertime the left was  
16 fighting against law enforcement, as we transitioned to more of the right-wing folks  
17 started coming into town, they found a foil in those groups, and they started fighting  
18 amongst themselves.

19 So, leading into January -- and I don't know if this is your question -- but leading  
20 into January, the threat landscape was mostly, A, interpersonal violence between  
21 opposing groups and, B, the threat of a lone wolf actor and specifically using tactic of  
22 vehicle ramming that we had seen in other large cities, and we were expressly concerned  
23 of based on what we were seeing from across the country.

24 Q You talked about anti-law-enforcement violence. Can you tell me if there  
25 was any sort of

1 anti-law-enforcement sentiment present in the -- first, in the intelligence and this is  
2 dealing with the right-leading groups of November and December.

3 So did you either forecast or see any intelligence that led you to believe there  
4 might be anti-law-enforcement sentiment on the part of these right groups and then  
5 from what you could tell, were there? Was there that sentiment after the -- during the  
6 two events, was there any violence targeting law enforcement by the Proud Boys or other  
7 right-wing groups?

8 A No. You can fact check that, obviously, with D.C. Police and D.C. FEMS, but  
9 the intelligence didn't suggest that they were there in November and December to fight  
10 against law enforcement. In fact, they were still very much a pro-law enforcement, you  
11 know, back-the-blue type of environment. That was consistent all through the  
12 summertime. They were there to protect the blue, back the blue, and fight against the  
13 left.

14 That didn't change until January 6th, to be quite honest with you, you know. If  
15 there were scuffles with law enforcement, it was probably, from my own eyes -- and this  
16 is anecdotal -- it was because law enforcement was trying to keep them away from the  
17 left, not that they were there in D.C. to launch or to engage with law enforcement in a  
18 violent way in November and December.

19 Q How would you characterize the city's response to the first two MAGA  
20 marches? Did it operationalize the intelligence well, to your mind?

21 A Yeah, I think so. I think that, once again, the threat landscape wasn't the  
22 radical right attacking government or government officials. It was the radical right  
23 interacting violently with property and with a radical left element. And so insofar as  
24 that, I think that the response of the city to keep -- to do the best to try to keep these  
25 groups apart, which they had done all through the latter months of the summer and fall

1 was consistently and persistently effective.

2 And, you know, while still being able to maintain some type of semblance of  
3 allowing individuals to participate in First Amendment activities. It's very difficult. It's  
4 a difficult tight walk to keep folks apart while allowing them to exercise their free speech,  
5 but I believe the district did a really good job of that personally.

6 Q After MAGA 2, can you tell me what type of intelligence NTIC was seeing  
7 about January 6th? Now this is leading up to, but not including past the December 19th  
8 tweet by President Trump, the "be there, will be wild." I'll be asking you about how  
9 things changed after he put out that tweet. But I'm wondering, before that tweet, tell  
10 me the type of intelligence, the volume of intelligence you were receiving regarding  
11 January 6th?

12 A To be honest with you, in my professional assessment, I didn't think that  
13 January 6th would be anything bigger than the other MAGAs, which were pretty  
14 significant. In fact, the term I had used was, I think this is going to be a nothing burger.  
15 To that effect, I made a decision to -- I still assigned an analyst to track and to collect and  
16 start tracking information and intelligence and to create a battle rhythm around that  
17 event, but in my heart of hearts and mind of minds, I didn't think it would be anything big  
18 because, you know, they had been here in December, and they had been here in  
19 November, and the results of the election were what they were.

20 It wasn't until a few days after that I assigned my analyst, and it was a junior  
21 analyst. Once again, in hindsight, had I known January 6th was going to be January 6th, I  
22 would've either assigned a senior analyst, our most senior analyst, or assigned a  
23 supervisor, one of my managers to manage it, but I didn't. As a testament to the fact  
24 that I didn't think that it would be anything bigger than what we saw  
25 November/December.

1           So I assigned, quite frankly, my most junior analyst just to, you know, get other  
2   folks involved. And, you know, it's -- you know, I use the basketball analogy: It's  
3   garbage time now because it's the end of the game, quite frankly, from a political  
4   standpoint. And what's the importance of January 6th?

5           Well, I found out a few days later that January 6th has significance administrative  
6   importance, which I'm ashamed to say I didn't pick up on in my civics lessons, which is the  
7   certification of the election, and so I learned that. I also learned that online many  
8   individuals saw that as their last chance to change what they believe was a flawed  
9   election.

10          That was still a fringe concept. We had seen some people organize around it,  
11   but nothing in the numbers that we saw for the MAGA marches where we had, you know,  
12   caravans, video tapes of caravans days before, massive movements of people coming  
13   from, you know, all over the country. We didn't see that in the early days of the  
14   planning for the January 6th.

15          Q   And, just to be clear, the assignment of your junior analyst to track  
16   January 6th intelligence, that happened before December 19th?

17          A   Correct.

18          Q   How did what the junior analyst was seeing --

19          A   Well, really close. I mean, I don't have the exact date, but it was -- I had  
20   already assigned someone maybe a day or two before -- we had a -- a lot of people saying  
21   this is January 6th date -- there's always -- not to cut you off, but, you know, in the  
22   intelligence space, we always hear of intelligence around a particular date, right?

23          And so there was intelligence around a particular date and folks saying they were  
24   going to come back, and so I assigned an analyst. And then I -- and then he informed  
25   me, he educated me on the significance of that particular date.

1           Q    How did the intelligence change in scope or volume after the President's  
2   December 19th tweet?

3           A    I would not be hyperbolic if I had said it changed exponentially.   So, from a  
4   tradecraft standpoint where my analysts were tracking websites and groups that were  
5   advertising the January trip -- the January 6th trip to D.C. -- and I'll just give you an  
6   abstract example.

7                Maybe they had, you know, two busloads of individuals signed up.   Now, they  
8   were talking:   We're filling up, and we're going to an eighth or ninth bus.

9                Where you saw some of these websites that were registering people and looking  
10   for permits.   Maybe you saw on social media before -- before the tweets, you saw  
11   maybe a 100, you know, likes, maybe a dozen or so retweets.   Now you saw thousands  
12   of likes and hundreds of retweets.

13              And so that's what we conventionally call chatter.   It is -- it is -- it's not just what  
14   people are saying; it's the general emotion -- it's the general sentiments online.   Not  
15   even at the very granule level what's going on in chat rooms and what people are posting.  
16   We're not even at that point yet.   It's just the level of interest in a particular topic can  
17   easily be gauged and quantified through -- what we call open-source intelligence, and  
18   that's what we were doing.

19           Q    Just for a little bit of color, I think you shared with the committee, what  
20   was -- when you first thought that January 6th was a nothing burger, as you put it,  
21   because its significance historically, at least in recent history, had not been great.   What  
22   was your junior analyst doing just a year before he had joined your team?

23           A    I hired him in the beginning of the year.   He started April, and before that,  
24   he was a bartender.   So -- and he was one of my contract analysts and this is -- you  
25   know, we create -- I'll use a sports term -- a farm system, in which we take, you know,

1 very promising, you know, junior analysts and train them up in tradecraft.

2 The first assignment they have usually for the first year or two is to do OSINT,  
3 which is really the bread and butter of the fusion center network, and to match that skill  
4 before they move on to more sophisticated tradecraft or tasks requiring more  
5 sophisticated skills.

6 Q Can you describe for me how it was brought to your attention those first few  
7 signs that something troubling was coming on January 6th and sort of when that was that  
8 your analysts came to you and what it was that he was bringing to you?

9 A Well, it was a steady drumbeat, and it was, you know -- and I'll just kind of go  
10 through my mental progression: Oh, this is a nothing burger. Who's next up on the  
11 depth chart? Okay. Let's have this analyst go and do it.

12 And then, you know, couple days later: Hey, you know, he was briefing to  
13 the -- we met daily with the entire team every single day, every morning. And he  
14 briefed about the significance.

15 I said: Well, that's interesting. Little conspiracy there that you can stop the  
16 election.

17 But he said: You know, many people feel this could actually happen, and it's, you  
18 know, one of those, you know, constitutional things that are undecided, and that's what  
19 they're talking about online. There may be something there there.

20 And then, after the tweet, he articulated the significance as such. This is the very  
21 first time that the President had asked or boosted one of the events -- one of his  
22 events. November and December weren't promoted by the President, although he did,  
23 you know, I'll use the term "flirt" with the crowd, if you will. There was a flyover with  
24 Marine One in one of them, and there was a drivethrough in the motorcade with another.  
25 I don't know which one it was, whether it's one or two, but the fact of the matter is he

1 was out there, but he didn't -- he didn't express that he would be out there in advance, at  
2 least not on open social media that we were consuming.

3 With this one, there were two things in that particular tweet that were important.  
4 One, the sentiment that this was a stolen election, and I'm going to paraphrase it  
5 because, you know, he went through something that -- Navarro had evidence of flawed in  
6 the election. So if you can distill that down: This is a flawed election, a stolen election,  
7 and you should be out there that day.

8 And so that was the beginning of the very, very heavy drumbeat that we were  
9 tracking for about a week with increased numbers like you wouldn't believe as far as level  
10 of interest, retweets. I mean, in the hundreds of thousands.

11 And then we got some intel about groups, violent groups, that had not come to  
12 D.C., at least not to our knowledge, or who had ever expressed any desire to come to D.C.  
13 planning on coming to D.C.

14 Q And you may have captured this in that answer, what about the tone? Was  
15 there anything about the tone of what you were seeing that was different or alarming to  
16 you?

17 A Tone completely changed. Going back to one of your earlier questions  
18 about law enforcement, there were plenty of tweets and online posts from groups  
19 basically telling law enforcement: We're coming; and, if you're not with us, you're  
20 against us.

21 You know, it was a complete reversal of the sentiment against law enforcement.

22 There were also calls to bring arms in various, various platforms, online platforms,  
23 which obviously is illegal in Washington, D.C., unless you have a conceal/carry permit,  
24 which none of these people we believe had.

25 And so you combine -- you combine those three elements, one, the actors that are

1 talking about coming to D.C., and these are violent militia -- violent extremist militia; two,  
2 the call to bring arms to D.C.; and, three, the anti- -- the now -- the backslide -- but the  
3 change in sentiment towards law enforcement and that speaks to a violent lawlessness  
4 that we were anticipating.

5 Q Is there anything in the Federal or restrictions that you talked about, civil  
6 liberty concerns, First Amendment concerns, that stymied your ability to see this threat  
7 picture? Other law enforcement agencies, such as FBI and DHS, INA have pointed to  
8 those restrictions in the domestic terrorism world as problematic, as making it more  
9 difficult when dealing with the surveillance or -- and that may be too strong of a  
10 word -- but the consuming of intelligence from American citizens?

11 What is your thought -- because you're talking a lot about how you saw this.  
12 What is your thought about whether any of those concerns played a role, and, if not, why  
13 didn't they?

14 A Yes. So, I mean, I think you've asked me two different -- you asked me the  
15 same question, but I'm going to address it in two different ways. I'm going to address it  
16 from my professional standpoint and as a private citizen. Professionally, I don't think it  
17 had any bearing on what happened on January 11th -- January 6th, rather. The reason  
18 for that is because the role the fusion center is to take -- we're a bucket of information.  
19 We just kind of collect, and it kind of flows.

20 Our job is to make sure it doesn't overflow, but then we have this kind of sifting  
21 process which we channel it. Anything that's not important, we kind of jettison. By  
22 the time it gets to the base, you know, those are things like threats, credible and specific  
23 threats, what we call posts of concerns that we may get on OSINT or any tips or leads we  
24 may get from another agency, and those we send to the respective law enforcement  
25 authority.

1           And if it's terrorism related or -- or across the State boundaries, we'll often send  
2           that to the FBI via eGuardian. And then, you know, of those, you know -- so let's  
3           say -- and I don't have the exact number, but off the top of my head, roughly 90 percent,  
4           95 percent of the stuff we collect never sees it to eGuardian. We're able to kind of  
5           triage it out because certainly the Federal authorities don't want every single fusion  
6           center throwing that entire bucket of information on them. It's unattainable.

7           So we're the first line of defense when it comes to kind of sifting throughout that,  
8           and I think that's important because we have the State and local context, right? So we  
9           understand who's in our backyard, who they are, and can contextualize that threat, and  
10          then send it to the respective authorities.

11          There was such a vast amount -- and I said this before of -- all the law  
12          enforcement agencies really have a dogma about credible and specific threats, and  
13          there's a reason for that. I'm not disparaging that, right? The reason for that is  
14          because, in my understanding, you can say just about anything you want to online so long  
15          as you're not being credible or specific about a threat, right?

16          So an individual can say: I'm going to go to Washington, D.C. and I'm going to  
17          kick some butt and who's with me and, you know, so forth and so on.

18          And that's all protected free speech. It's when you cross that line and you have a  
19          specific or credible threat and an intent, that's what prompts the ability for us to forward  
20          that post of concern to law enforcement and then for them to take action where they  
21          deem necessary.

22          There was so -- there wasn't a lot of credible, specific threats, but there was a vast  
23          amount of not credible, unspecific threat, that it should have prompted something, right?  
24          And it's not a binary decision in my assessment of knock on someone's door, not knock on  
25          someone's door, get a warrant, or not get a warrant, right? Those are law enforcement

1 interdiction actions that are happening every day, thousands of times in this country.

2           What that -- what that vast amount of noncredible, nonspecific threat should have  
3 done is prompted a more preparedness posture, I believe, at the Capitol to defend  
4 against the worst-case scenario. So that's my professional answer.

5           My personal -- as an academic, as someone who studies this -- for two decades  
6 I've been studying terrorism, I believe that -- I believe that people that are smarter than  
7 me and more knowledgeable than me should have and opened up a discussion about the  
8 limits of our fusion centers and law enforcement to detect domestic threat.

9           I believe that, post-9/11, the intelligence apparatus and the Homeland Security  
10 apparatus in this country has been slavishly busy trying to protect us from the overseas  
11 jihadi Islamic threat and has turned somewhat of a blind eye to the domestic terror  
12 threat, and that includes the population as well.

13           However, I am reluctant to provide government or law enforcement any more  
14 mechanisms or tools to do surveillance that is absolutely necessary. And the reason for  
15 it is because, you know, all you need is one bad actor in the form of a fusion center or law  
16 enforcement department and the specter of domestic spying is a specter that will stain  
17 the industry for many years.

18           We do have a large domestic intelligence information -- information and  
19 intelligence sharing enterprise, and it relies heavily on the population's trust. And if we  
20 misuse and abuse that trust -- and there's examples of that over the summertime with  
21 some of the George Floyd protests -- I think that we will cease to have an intelligence  
22 enterprise that's legitimate in the population, in the public's eyes.

23           And so I think this is a more sophisticated and nuanced discussion than I'm  
24 prepared to have, but certainly it's a national level discussion that needs to include many  
25 people. And I'm sorry that's a little longer than you wanted, but --

1           Q    No. I appreciate the specificity and breadth of your answer.

2           And I will ask you a little bit about what those concerns you had over the summer  
3 when we get to it. What I do want to refer back to is the first part of your answer, do  
4 you think that maybe then your organization as you spoke being free from that sort of  
5 law enforcement angle, not having to make the decision about, you know, knocking on  
6 the door or getting a warrant, but that maybe freed you up to be able to use the  
7 intelligence in a way where maybe other law enforcement agencies are sort of  
8 trained -- focused trained on, okay, can we knock on the door? Can we get the warrant?  
9 No? Then there's not much we can do? Did that free you up to be able to just use it  
10 for what it is, which is just a picture so that potentially that picture can be used in the  
11 security preparedness for the event?

12          A    So that leads into another issue from a policies and legal standpoint that we  
13 haven't discussed, and the simple answer to your question is no. I don't feel like it's  
14 freed us up. Now, clearly, we have a role, but the problem is that that is a double-edged  
15 sword because the agencies that are knocking on people's doors and are getting warrants  
16 and doing surveillance often don't want to share information and intelligence with  
17 agencies that are not. And we are seen as an agency that's not because we are not law  
18 enforcement.

19          And so many law enforcement agencies at the State and local level have State and  
20 local statutes that prohibit them from sharing what they would deem as law enforcement  
21 sensitive, or LES information, with nonlaw enforcement agencies. That manifested  
22 before January 6th and it manifested after January 6th just in the national capital region  
23 where we were informed, as well as other -- other law enforcement agencies when we  
24 were trying to reach out to them to seek information, told us the same thing.

25          Now, this is an issue that had reared its ugly head in several other occasions

1 during my tenure at the fusion center and even before my tenure at the fusion center,  
2 and it was unintended consequence byproduct, if you will, of the D.C. fusion center being  
3 removed and transferred out of the D.C. Police Department into a civilian-led agency.

4 As such, myself and Director Rodriguez saw this as an incredible hindrance to our  
5 job -- our ability to do our job, not that we were looking to knock on anyone's doors or  
6 get warrants, but just to accomplish our mission of intelligence information sharing and  
7 collection.

8 So we went to the D.C. Council and sought emergency temporary legislation to  
9 create a fusion -- an element within the D.C. fusion center that was a law enforcement  
10 agency. And we were successful in doing that.

11 Q So when did that come about?

12 A I think about a week before the inauguration.

13 Q But after January 6th?

14 A Yes, sir.

15 Q The Washington Post reported in an article in which you were heavily  
16 featured that you convened a major planning meeting on December 30th. Is this  
17 separate and apart from the briefing that was given to Mayor Bowser on December 30th,  
18 or was that one in the same?

19 A I did not convene a major planning -- what was the exact quote, a major  
20 planning meeting?

21 Q That's what it said, a major planning meeting on December 30th.

22 A No. That would probably be -- I mean, I was constantly planning with my  
23 team. We had, you know, briefed our director, so maybe it was major within my  
24 agency. And I am aware of briefings that my director gave to the mayor and other  
25 counterparts in D.C. government. So maybe that's what they were referring to.

1           Q    All right.  So let's just talk about then, you know, the analyst has come to  
2   you with this increased in tenor and volume of intelligence regarding January 6th post the  
3   tweet by the President.  You -- do you call up, you said -- you called up your director, Dr.  
4   Christopher Rodriguez.  Is that right?

5           A    Not immediately.

6           Q    Okay.  What do you do first, or who do you reach out to first?

7           A    Well, when the tenor -- because, you know, you're not -- you're not long in  
8   the industry if you're an alarmist and if you run to your boss every time something  
9   doesn't look right.  When it got to a place and a space that I was unfamiliar with and I  
10   thought was beyond, A, to be quite honest with you, beyond my capabilities to manage,  
11   and I also felt that I needed the support of my immediate supervisor is when we got -- we  
12   got derogatory information through OSINT suggesting that some very, very violent  
13   individuals were organizing to come to D.C.; and not only were they organizing to come to  
14   D.C., but they were -- these groups, these nonaligned groups were aligning.

15           And so all the red flags went up at that point, you know, when you have armed  
16   militia, you know, collaborating with White supremacy groups, collaborating with  
17   conspiracy theory groups online all toward a common goal, you start seeing what we call  
18   in, you know, terrorism, a blended ideology, and that's a very, very bad sign.

19           And that manifested, I believe, on the -- I believe that was the 30th and that's  
20   when -- that's when I called Director Rodriguez.  I gave him a summation, but I also had  
21   my analyst give him directly from the analyst about what we were seeing, and I believe he  
22   carried that information to the mayor.  Because he understands that, you know.  So, if  
23   I had told that to, you know, many other people, they wouldn't understand the threat  
24   posed by having nonaligned groups, you know, converging online, but with his  
25   background, he clearly understood the significance of that.

1           Q    You mentioned, you know, it's not good in your business to be overly  
2    alarmist.   Can you -- so the tone may be quite normal and professional.   Can you tell  
3    me about the tone of the conversation and how he reacted?   What was his reaction to  
4    hearing this?

5           A    Well, he was pretty quiet.   He's seasoned in getting intelligence briefings.  
6    He asked some questions and he told us to continue to collect and notify him if anything  
7    changes.   And the only thing that changed was, we had started seeing more and more  
8    and more and more of the same thing.

9           And so, you know, we had only started seeing these groups, you know, pop up  
10   here or there within, you know, about 24 to 48 hours of that discussion with him, but  
11   then, when they were clearly across -- not just across one platform but across multiple  
12   platforms of these groups coordinating, not just like chatting, "Hey, how's it going, what's  
13   the weather like where you're at," but like "what are you bringing, what are you wearing,  
14   you know, where do we meet up, do you have plans for the Capitol."   That's  
15   operational -- that's like preoperational intelligence, right, and that is something that's  
16   clearly alarming.

17           So he received a lot of information and I -- and I touched based with him several  
18   times.   I recall, on the 30th, that was like the day before, you know -- the day before we  
19   had a holiday, official holiday, but me and my team worked throughout that, but I stayed  
20   in constant contact with him over the weekend.   And when -- and I know I'm going a  
21   little ahead.   When -- so that was the -- the 30th I believe was a Thursday?   I could be  
22   wrong on that, and then the 31st, I believe, was Friday.   I could be off on that, but I  
23   know when Saturday hit and I had been meeting with my staff for a couple of days, it got  
24   to the point that it wasn't going backward; it was only getting worse.   I let him know, but  
25   I also reached out to the National Fusion Center Association president to get his

1 impression on what the landscape is, the threat landscape was, and, quite frankly, to get  
2 guidance.

3 Keep in mind, I had been in my job for, you know, 2 years at that point. So little  
4 bit over, still relatively new.

5 Q Okay. Perfect. And I'll get to that call with Mike Sena is who you're  
6 referring to in terms of the head of the Association for National Fusion Centers?

7 A Yes.

8 Q Okay. And, for the record, in case it helps your memory, I believe what you  
9 said was correct. I have here Thursday, December 30th, is 2021; Friday is the 31st;  
10 Saturday, the 1st?

11 A Okay.

12 Q So were you present at the December 30th briefing with Dr. Rodriguez, Chief  
13 Robert Contee of Metropolitan Police Department in which they were briefing the District  
14 of Columbia Mayor Muriel Bowser?

15 A No. I was aware of the meeting, and I was -- I was told that the information  
16 was well received.

17 Q Okay. And from your understanding, then, was it Dr. Rodriguez who  
18 presented the sort of intelligence picture to the mayor at that briefing?

19 A Yes, although I suspect that chief -- this is just, you know, speculation, but I  
20 suspect Chief Contee also contributed to the threat intelligence landscape having his own  
21 intelligence operation within MPD. From what I understand, however, from the  
22 conversation that both -- all the threats, all the threat picture -- there was no discord  
23 between what was being presented to the mayor. Everyone was kind of like in unison.

24 Q Had you spoken with Chief Contee before this meeting, or was it just Dr.  
25 Rodriguez was your sort of only --

1           A     Yeah. I mean, I'm cordial with Chief Contee, but he's not in my line of  
2 authority, so I don't deal with him at that level. I would deal with -- the person at my  
3 level would be his chief of Homeland Security, which is Jeff Carroll. So, you know, I deal  
4 at my level; he deals with his level.

5           Q     As far as you know, was the intelligence that Dr. Rodriguez was using to brief  
6 the mayor, was that intelligence at NTIC had gathered, in particular? Does HSEMA on its  
7 own also have an intelligence shop that collects information? Was he using both?  
8 What's your understanding of that?

9           A     Yeah. The NTIC is HSEMA's intelligence shop and it's also the District's  
10 Fusion. So we have a lot of -- once again, it's an interesting, we have a lot of  
11 stakeholders, one of which is obviously the elected and appointed officials in D.C.  
12 government, one of them is our agency because our agency isn't an intelligence agency.

13                 And so we support our agency, as well as other Federal and local authorities. So  
14 the only intelligence that the director would be presenting to the mayor would be  
15 that -- that either we presented to him or that he gleaned from other sources that I'm not  
16 aware of.

17           Q     And we've provided to you a set of talking points, for lack of a better term,  
18 that came over -- that HSEMA and Dr. Rodriguez's office provided to us. Was that  
19 something that you wrote, that your analyst wrote? Who drafted that?

20           A     So these are talking points that my analyst wrote because it's important,  
21 when we're meeting with stakeholders and doing the briefings that we're doing that we  
22 have a consistent message. If it evolves, it evolves, but the analysts are instructed to  
23 create a script for their oral briefings, and this is what's created at the NTIC level.

24                 It may have been, you know, expanded upon by the director considering his  
25 background and ability to interpret not only threat but also the tradecraft and kind of

1       distill that down to something that's a little more consumable by an elected official, but  
2       this is what we went to -- went to all of our stakeholders with.

3               Q     Is it fair to say your role in that document would be to review or potentially  
4       make edits, but that the drafting of it came from your analyst, your junior analyst?

5               A     That's correct.

6               Q     So I want to talk about those notes briefly. Part of it says, quote: There is  
7       greater negative sentiment motivating conversation than the last two events in  
8       November and December 2020, end of quote. We spoke a little bit about this.

9               Can you tell me -- why was that important to stress that there is a difference  
10      between the previous two MAGA marches and January 6th, and what was that difference  
11      in your mind?

12              A     The difference is -- if you just recall what was going on then, there were, you  
13      know, legal attempts in some -- I don't want to call them recounts -- but attempts to kind  
14      of -- to reverse the election results at the State level that were failing tremendously.

15              And so the negative sentiment came from, I believe, an environment in which  
16      there was desperation. And the desperation comes from the fact that we all became  
17      aware of that this January 6th was the very last day that anything could be done to stop  
18      the results of the election from being made, you know, permanent.

1

2 [2:06 p.m.]

3

BY [REDACTED]

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q The notes say, quote, "Others are calling to 'peacefully' -- and "peacefully" is itself in quotes -- "storm the Capitol and occupy the building to halt the vote. Not sure what" -- and again in quotations -- "'peaceful' means, but they are calling to occupy the building."

Can you talk to us a little bit about what was meant by this particular point, why "peaceful" was in quotation marks? What were you trying to convey with this?

A I think that some of the actors that we deal with online are sophisticated, and they know that they don't want to pose a credible specific threat. And so that may be a little cynical on my behalf, but I and many in my -- I don't want to speak for everybody, but many of our team felt like they just put the word "peaceful" there in quotations just so, you know, they wouldn't get the knock on the door.

And so there's no way to peacefully enter a secured building that you're not supposed to be in, right? So that's where the second line comes from.

So it could just be, you know, tradecraft on the part of those who are posting so they don't get in trouble later on and can throw their arms up and say, I said we were going to be peaceful.

Q And so, I mean, these were notes that were put together obviously at least prior to December 30th, given that this was what was shared -- or apparently shared with the Mayor on that date.

What did you think about that, and especially now in retrospect? "That" being, of course, what happened on January 6th, the storming and occupying of the building. Did that appear to be possible in your mind's eye? Was that aspirational and, you know,

1 obviously, reflective of the threat, because it was put into the threat assessment, but not  
2 really something that could quite literally happen?

3 What was your feeling, now looking back on it, at the time?

4 A It was aspirational. I didn't think that they would be able to do it. Once  
5 again -- and this is just to show how not in tune I was with the operational capabilities of  
6 a large crowd. We knew what the intent was. No one figured that they'd be able to  
7 storm a Federal facility, and now we all know otherwise. And when I was watching it  
8 unfold on the 6th, I said, I can't believe they're actually able to do it. How is that  
9 possible?

10 And so, to be very honest with you, the protection of the Capitol Building itself  
11 wasn't my primary concern. My primary concern, as a State and local was, the violence  
12 that we anticipated unfolding on the streets of the District of Columbia, that that may be  
13 difficult or impossible to control, which is one of the reasons why I briefed the hospitals  
14 and told them to get ready, which is another reason why I briefed the medical examiner.

15 Although this is not publicly reported, I had my analyst brief the medical examiner  
16 and told the chief medical examiner to prepare for a mass fatality event, because I was  
17 scared that there would be bloodshed.

18 And in my furthest imagination, I didn't think that they would actually be able to  
19 accomplish that.

20 Q The notes say, quote, "Are you concerned about these groups calling to bring  
21 guns to the District? Or are they just 'good-ol-boys' coming with guns?"

22 Do you recall what was meant by that, by the term "good-ol-boys" and what  
23 generally that point is meaning to convey?

24 A I don't recall that specific dialogue around that, but there was -- you know,  
25 there's this opinion that the Second Amendment, you know, supersedes local and State

1 laws, at least online, and that the defense of our democracy and the defense of the  
2 United States and the Constitution, as they were saying online, superseded a State law  
3 about restrictions on the Second Amendment.

4 And so, you know, these are all -- and I'm not a psychologist, but these are all, kind  
5 of, necessary conditions to kind of break down the mental barriers for breaking the law in  
6 advance, right? And so, while a, you know, otherwise-law-abiding citizen who's able to  
7 carry a firearm in their State may not want to risk going to jail or running afoul of the law,  
8 you know, these kind of sentiments allow for such.

9 Especially when, you know, very few people talked about actually using their  
10 weapons. Everyone talked about bringing weapons. I don't remember any -- but then  
11 again, I don't -- once again, if you look at that bucket, like, I'm the director, so I don't get  
12 to see all the things that make up all the chatter, if you will, that makes up that big  
13 bucket. You know, I don't remember being told about any posts or online sentiment  
14 that talked about actively shooting people with those guns. And if there were, you  
15 know, they would be, you know, flagged as posts of concern and sent over.

16 But everyone was talking about, you know, bringing your guns. You know,  
17 there's a space there, right, so you leave the fill-in-the-blank. You know, bring your  
18 guns, blank, we're going to liberate the country, or we're going to take back our country.  
19 Right? So, like, it's implicit in there that the guns are required to take back the country  
20 and defend the Constitution.

21 Q Did you come to find out what sort of measures were discussed at that  
22 briefing to be prepared for January 6th in light of the intelligence assessment?

23 A Yeah. So one of the things I had recommended verbally to Dr. Rodriguez  
24 was that the Mayor issue, you know, a curfew in advance, or at least have it ready. You  
25 know, getting a curfew in D.C. requires -- I don't believe it's just -- and, once again, I'm not

1 an attorney, but from my experience from what happened over the summertime, it  
2 requires approval from, you know, not just the Mayor; I believe the council has to get  
3 involved. But I could be wrong on that. Or there's got to be some language drafted up  
4 to have it ready.

5 So I was told that was -- you know, having a preordained curfew was off the table  
6 but that that was available in the Mayor's back pocket and she can pull the trigger on that  
7 relatively quickly.

8 I was also told that the National Guard was being requested to do traffic control  
9 and things of that nature to free up, you know, several hundred or a couple of hundred  
10 MPD officers so the MPD officers could be a force multiplier on the streets or support any  
11 other law enforcement agencies if need be. And that is, you know, not uncommon.  
12 The National Guard has been requested for other large events to help with, you know,  
13 traffic control and access, things of that nature.

14 The other thing that I was told -- and this is, once again, just to -- we were  
15 extremely concerned about the threat of interpersonal violence and the left coming out.  
16 And one of the things that I was told and I actually saw -- I don't know if it was the 1st or  
17 the 2nd it came out -- was a statement from the Mayor asking all counter-protestors to  
18 stay home, for their safety. And that came out.

19 I attribute that statement to saving probably a lot of lives. Because, had  
20 counter-protestors come out, that would've been a difficult situation, certainly, with all  
21 the violence that some of these individuals came prepared to commit.

22 Q The Washington Post reported that Mayor Bowser was concerned, quote,  
23 "about a repeat of the Federal response to Black Lives Matter protests, when the Justice  
24 Department sent prison riot teams, U.S. Marshals, and others onto D.C. streets without  
25 name tags or badges identifying them as Federal agents," end quote.

1           Two questions: One, had you heard those concerns from the Mayor or her aides  
2     at any point leading up to January 6th? And, two, did you share or have those concerns  
3     yourself?

4           A     I actually didn't draw the -- I mean, she was clearly a few steps ahead of me.  
5     I wasn't thinking about Federal law enforcement coming onto the streets. That wasn't  
6     what I was, kind of, focused on.

7           But, clearly, when I heard that, I was in approval. And the reason for that is  
8     because, if we go back to the -- I believe it was June when we had Federal law  
9     enforcement in D.C., I was out there on the streets. I was driving around with my  
10    director. We were out there with the Deputy Mayor and several other individuals.  
11    And every time we came by an unmarked white van with heavily armed, you know,  
12    paramilitary-looking individuals, we kept on saying, who is this, and who is this?

13          And one of the things that we were concerned about is, you know, a Kenosha type  
14    of event. A lot of these armed militia look just like law enforcement. In fact, we find  
15    out later on some of them are former or active servicemembers or former or active law  
16    enforcement.

17          And so to place individuals in a volatile environment that are undiscernible from  
18    some of the individuals who are active militia is a recipe for disaster. And so I applauded  
19    it, you know, personally then, and I also applaud it now.

20          Q     You said when you "found out" about these concerns. Does that mean -- is  
21    that after the fact in this public reporting, or did you know that the Mayor or her aides  
22    had this concern before January 6th?

23          A     I actually knew it was -- it's always been a concern. We talked about it.  
24    We have done intelligence briefings on how difficult it is to discern law enforcement from  
25    militia for that lone-wolf or lone-actor type of threat. I didn't find out that those

1 concerns were articulated by the Mayor until I read that publicly.

2 Q When you say that you had previously discussed it, do you mean in briefings  
3 with the Mayor herself or with the Mayor's aides?

4 A No, no, I mean, we discussed that amongst ourselves and I discussed it with  
5 Director Rodriguez. And it was a concern for us the very first day we saw it, particularly  
6 that weekend that we -- that few days we had Federal law enforcement and throughout  
7 the summertime. We were extremely concerned about someone posing as a law  
8 enforcement officer and not being so.

9 And that wasn't an unfounded concern. In the summertime, we got intelligence  
10 of an individual with an unmarked car with lights, a ballistic vest that said "Federal  
11 Agent," and a firearm displayed showing up at different protests and standing in front of  
12 his car with a firearm. And I believe it was -- it happened a couple of times. We got  
13 photos of him. Law enforcement approached, and he got in his car and sped away.

14 And so that was on our mind, the fact that there's a lot of law enforcement in D.C.  
15 regularly, and all you needed was one individual with a weapon at a crowded location  
16 who's posing as law enforcement to really create what would amount to be a pretty bad  
17 active-shooter scenario.

18 Q And I just want to be clear for the record. When you say "we" discussed it,  
19 it was on "our" mind, who are you referring to when you say "we" and "our"?

20 A My team, the fusion center.

21 Q The folks working with you -- under you at NTIC?

22 A Yes.

23 Q Was there anything about the response to the summer of 2020  
24 protests -- the low-flying helicopter, the Lafayette Square incident -- that -- let's start  
25 with, that was either on your mind with regard to January 6th or that you had heard

1 those concerns coming from either the Mayor or her aides?

2 A No, I really didn't make the connection between January 6th and the events  
3 of the Federal authorities in relation to a lot of the BLM Plaza and post-George Floyd civil  
4 unrest until after January 6th.

5 The only -- once again, the only -- and I probably was linear, but I was running an  
6 operation. So I have the luxury now of hindsight and not running a 24-hour, high-stress  
7 operation. I can look back and say, well, I was probably thinking linearly. The greatest  
8 concern was the right versus the left and weapons involved. That was the greatest  
9 concern.

10 I wasn't as concerned about the presence of, you know, Federal law enforcement  
11 on the street, personally. But, once again, that's why, you know, I'm an agency  
12 executive and other folks are above me. They have a more, I would say, grander  
13 perspective of how to protect the city.

14 Q And so, to be clear, you weren't concerned about the use of the National  
15 Guard in particular given some of the events of the summer of 2020 -- as I mentioned, the  
16 helicopter, the Lafayette Square -- for which they received a lot of criticism -- you were  
17 not concerned with their use again, potentially, on January 6th, and you hadn't heard that  
18 concern from anybody in the Mayor's office?

19 A No, but I didn't communicate with the Mayor's office. So I didn't hear any  
20 concerns about that from Director Rodriguez.

21 You know, I mean, in hindsight, it's clearly problematic to use certain resources for  
22 one type of event and not for another, you know, from an optics standpoint, from a  
23 potential civil liberties standpoint. But, fortunately, that's above my pay grade.

24 Q So let me -- the last, sort of, question in this series, if I may: The  
25 Washington Post reported that Mayor Bowser was, quote, "reluctant to request the

1 National Guard, concerned that the troops could be given orders by the President and  
2 abandon their posts," end quote.

3 Similarly, had you heard anything like this, this type of concern being  
4 communicated by the Mayor, her aides, Dr. Rodriguez? Had you heard anything like  
5 that?

6 A No, but I'm not surprised. It was made very clear to us throughout the  
7 summer that the deployment and control of the D.C. National Guard does not fall on the  
8 Mayor. And so those orders come from the Pentagon and the DOD, who, obviously, are  
9 under the direction of the White House.

10 And so I'm not surprised. And, once again, that's a sophisticated perspective  
11 that I lacked at that time, but I can certainly appreciate it now.

12 Q And I do for the record want to put on the record that Mayor Bowser herself  
13 disputes that account by The Washington Post. So I mostly wanted to see if you had  
14 heard it, if anyone had communicated it to you. And it sounds like the answer is no.

15 A No.

16 Q The letter requesting the D.C. National Guard was released the next day,  
17 December 31st, after this briefing from your boss, Dr. Rodriguez, to Mayor Bowser. The  
18 Washington Post characterized it as, quote, "a narrow request to the Pentagon for troops  
19 to assist with mostly traffic control," end quote.

20 Do you agree with that characterization, that it was a narrow request, or do you  
21 see it as a normal and appropriate request?

22 A I see it as a standard request. In fact, you know, you can probably pull up  
23 other requests that have been made through D.C. HSEMA, which is the agency that  
24 requests mutual aid in that fashion, for other large events, and it would probably be  
25 consistent.

1 In fact, it's probably boilerplate. I don't see my counterpart over in the  
2 emergency management side, you know, sitting there creating anything new. These are  
3 what we call resource requests that we have pre-scripted. In fact, that's what they're  
4 called, pre-scripted mission requests.

5 And I would assume that they have one for National Guard support, and you  
6 basically plug in the numbers. And those numbers would come from D.C. MPD. At the  
7 end of the day, they're there in a public safety capacity to support D.C. police. And so,  
8 while our agency is the one that would draft the request, it would be based on  
9 operational needs that would be articulated from D.C. police.

10 So I haven't looked at the request, but generally what they're calling "narrow," I  
11 would say, Federal authorities would call "specific." And that specificity is something  
12 that's required when you're doing mission requests.

13 In fact, I've drafted several mission requests over the year 2020 for DOD assets  
14 specifically, Title 10 and Title 32, and I was asked to be as specific as possible. In fact,  
15 several of them were kicked back because they wanted to know exactly the type of  
16 function that the servicemembers would be doing, how long they would be doing it for,  
17 whom they would be doing it for, where they would be doing it.

18 And so, you know, that's just -- you know, I don't want to say that The Washington  
19 Post is being hyperbolic. They just lack intimate knowledge of the resource-request  
20 process.

21 Q And, similarly, this may be obvious, so if you could explain it to us if it is, and  
22 it also may be outside your knowledge set, but, given the intelligence of potential civil  
23 unrest, why wouldn't the National Guard be asked to do civil disturbance as opposed to  
24 merely assist with traffic control points?

25 A That is a good question that I don't have the answer for.

1 Q Did you --

2 A Because we saw them -- we saw them do civil disturbance over the  
3 summertime.

4 Q Well do you think? I don't know if you mentioned that because it was  
5 problematic, their assistance, or whether you mentioned it to say that it's certainly within  
6 their wheelhouse.

7 A They had the capability to do so, and there is a mission space for them in  
8 that area. They have the capability, the equipment, and the training to do civil  
9 disturbance. They can staff civil disturbance units. And we've actually seen -- they're  
10 operational in that regard; we've actually seen them deploy successfully.

11 I think back to, you know, that June -- right after that June night that we had vast  
12 amounts of civil unrest in D.C., and, you know, a day or two later the National Guard was  
13 deployed and mobilized in a CDU posture, a civil disturbance unit posture, to protect  
14 national landmarks and such. And that was very effective, because it stopped.

15 Q So is it fair to say, though, at least at the time, understanding and reading  
16 the, sort of, request, that it was traffic control points, it didn't come to mind that you  
17 thought that their role should be greater or that it should add civil disturbance to their  
18 responsibilities? That was not a thought that you had prior to January 6th?

19 A Having not seen -- so there's a couple of issues there that you touch on.  
20 Having not seen the actual resource request, I couldn't speak -- it may have said civil  
21 disturbance; I don't know. I'm assuming that it didn't, based on what I've read available.  
22 I have no intrinsic knowledge. But if it didn't, traffic control points is a very standard use  
23 of the National Guard.

24 This touches on what you believe to be the jurisdiction of the D.C. government,  
25 right? And so, if you're calling up the National Guard to support D.C. police for civil

1       unrest on D.C. jurisdiction, well, that's a pretty -- when you look at the pre-planning for  
2       January 6th, that's a pretty narrow window, right?   Because the rally happened on  
3       Federal property, and there was supposed to be a march, and the march was going to end  
4       on Federal property.   And so, if you look at the jurisdiction, D.C. government ostensibly  
5       is covering the march.

6               I'm assuming that between the venues -- right?   Because they're not responsible  
7       for doing CDU on Federal property.   So I'm assuming that -- and this is just an  
8       assumption here -- that a calculus was made by D.C. police as to what resources they  
9       would need to prevent any violence or civil unrest during the march portion of that rally,  
10      which is what their jurisdiction is, and they made the request based on what they had and  
11      what they thought they would need.

12             [REDACTED]   And, for the record, Congresswoman Murphy has joined the  
13      conversation.

14             Please let me know, of course, Congresswoman, if you have any questions,  
15      whenever you have them.

16             Mrs. Murphy.   Thank you.

17

BY [REDACTED]

18             Q    Dr. Harvin, so, then, similarly, did you have any -- and you may not have.   I  
19      mean, we're all sort of looking backward.   But did you have any expectation that other  
20      departments, like Capitol Police or Park Police, to your point, would be the ones and  
21      should be the ones asking for the National Guard to assist with matters like civil  
22      disturbance?

23             A    Every agency is responsible for requesting, through the resource-request  
24      process, the resources that they need to complete the mission that is designated for  
25      them within their jurisdiction, right?

1           And so I guess hindsight is 20/20, but the quick answer to your question is,  
2           absolutely. If you think that you're going to have tens of thousands of very angry  
3           people, many of which who've been radicalized -- and that's clear, right? That's not, you  
4           know, my opinion -- and many -- and I don't want to overstate the number, so we won't  
5           bother to quantify it -- many who articulated bringing weapons unlawfully into the  
6           District to further their goal, I certainly would think that you would have enough  
7           resources to manage that type of threat. And if you don't have those resources, you  
8           should request them.

9           And there's a lot of mechanisms, by the way -- we haven't talked about this,  
10          ██████ There's a lot of mechanisms by which you get additional resources to manage a  
11          civil disturbance, right?

12          One of them is the National Guard. And we're talking about the National Guard  
13          a lot. But, actually, day in and day out, historically, it's been your local law enforcement  
14          partners. And there is a memorandum of agreement, an MOAP -- memorandum of  
15          agreement operational protocol or something of that nature -- in the NCR, national  
16          capital region, that allows Federal, State, and local law enforcement agencies to support  
17          each other specifically around civil unrest.

18          Q     So let's talk about the sharing of intelligence with these other organizations  
19          who might have put in the request because their, sort of, area of responsibility, their  
20          jurisdiction is the one more directly being implicated by these demonstrations.

21          So The Washington Post reported that on New Year's Eve you set up a call with  
22          analysts at the Capitol Police. Do you recall that?

23          A     I don't have -- to be honest with you, I don't have my calendar in front of me,  
24          but I believe my request was that we start meeting with the Capitol Police intelligence  
25          unit based on the intel and the level of concern that we had the day before that you and I

1       talked about, right?

2               So, once we started getting a lot of derogatory information about not only guns,  
3       not only the volume of individuals, but the type of individuals, that was the tripwire for  
4       me. You know, we hadn't seen, you know, descendants of the Atomwaffen Division,  
5       right, I mean, the worst White supremacy, you know, neo-Nazi groups that we have ever  
6       seen. We hadn't seen those people come to D.C.

7               And so the problem was -- and I mentioned this the last time we met -- was that  
8       there was no Federal entity coordinating any of this -- zero, full stop. There was no  
9       Federal entity that had the helm in getting together the resources, the intelligence, the  
10      information, and forcing individuals to meet.

11              Now, there was an ongoing operation under the NSSE for the inauguration, and  
12      January 6th was a footnote on some of those meetings, if it got on the agenda at all.  
13      And so I do recall, it was either the 30th or the 31st, I contacted Jack Donohue through  
14      one of my managers and said, "We need to start meeting, because no one's meeting on  
15      this." And so it began then.

16              Q     I'll get back to the calls with Capitol Police, but since you mentioned it, I just  
17      want to make clear for the record, it's your understanding that there was no Federal  
18      agency in charge for January 6th? Is that what you're saying?

19              A     Absolutely. Well --

20              Q     And --

21              A     -- for the overall response. So now we have to kind of, you know, go into  
22      the jurisdictional issue, right? So that's why you see -- right?

23              So, understand, under an NSSE, it is a shared threat environment, a shared threat  
24      picture. All the agencies are going to have that information, and there will be a unified  
25      response against that.

1           In this environment, however, you know, Park Police did what they needed to do  
2   to protect their jurisdiction, mobilized whatever they needed to do, made whatever  
3   request; D.C. did whatever they had to do for their jurisdiction; and the U.S. Capitol Police  
4   did whatever they had to do. And so it was disjointed, as a response goes.

5           Q   Do you recall who the lead Federal agency was over the summer of 2020, if  
6   there was one?

7           A   No.

8           Q   Okay. And do you know which one was the one for the January 20th  
9   inauguration?

10          A   It would be the Secret Service.

11          Q   Okay. But, again, in terms of January 6th, one never -- in your mind, there  
12   was not one agency that you were looking to to sort of coordinate all of the responses.

13          A   Absolutely not.

14          And I will tell you that I've participated in a homeland security executive capacity  
15   in two inaugurations, and you know who's in charge for the NSSEs because you're getting  
16   coordination emails. There's an org chart, and that agency is at the top. You know  
17   where you're at; you know where they're at. There's no ambiguity about who's in  
18   charge when it comes to NSSEs or even SEAR events.

19          For this, it was clearly -- I mean, I could be wrong, but no one ever presented  
20   themselves. So that's why I was in the uncomfortable position of convening, from a  
21   local standpoint, Federal agencies and partners in operating a space that we had never  
22   done before. And I said, well, we're just going to try it and see if these agencies want to  
23   get on a call and collaborate with us on January 6th, because no one else is doing so.

24          Q   So let's talk about those calls to the Intelligence and Interagency  
25   Coordination Division within Capitol Police, the head of which you mentioned, Jack

1 Donohue. You said you spoke directly to him. Let me know if you spoke to either Julie  
2 Farnam, the sort of --

3 A Yes.

4 Q Okay.

5 A Jack and Julie, they're synonymous. I believe that was his deputy.

6 Q Okay. Great.

7 And so just tell me -- and, you know, you said at least one call, but if there were  
8 others, let me know. What, generally, are you conveying to them? What are you  
9 telling them? And what is their response?

10 A Yeah. So what prompted me to reach out to Jack is, A, we were looking  
11 for -- part of it was self-serving. We were looking for a closer collaboration even before  
12 all this with the U.S. Capitol.

13 I had met Jack, I think, his first or second week on the job. We connected. I  
14 went over there with my deputy to meet with him. And we had an MOU that was in  
15 draft form for closer communication and collaboration with the Capitol Police and  
16 exchange of, not intel -- because that's what we do -- but staffing and, you know,  
17 exchange programs and things like that.

18 And then we started meeting at these inauguration -- right after the election,  
19 right, inauguration calls started going, and meetings.

20 And then, you know, I said, "Jack, we're not really getting -- on our end, we're  
21 seeing a lot of derogatory stuff about this January 6th thing. This isn't just your, you  
22 know, run-of-the-mill, peaceful, First Amendment-protected activity. It looks like a lot  
23 more than that. You know, do you want to -- because it looks like it's going to just  
24 impact us. You know, why bother everybody else who are on these NSSE calls? Do  
25 you want to start meeting on this? And I'd like to have closer collaboration with you."

1 And he said, "Yeah, why not?"

2 And so that's how these meetings started. But it wasn't just myself and Jack.

3 We opened it up to other agencies as well.

4 Mrs. Murphy. [REDACTED] can I just ask a quick question here of Dr. Harvin?

5 [REDACTED] Of course.

6 Mrs. Murphy. So, starting on the 30th or the 31st, the calls that were had with  
7 both local and interagency entities were initiated by you, Dr. Harvin? Is that accurate?  
8 And was the Federal Department of Homeland Security a part of these calls?

9 Mr. Harvin. So we -- thank you for your question, ma'am.

10 We started -- I started unilaterally inviting and putting on the calendar what we  
11 call an operational intelligence meeting, as to not step on the Federal authorities who  
12 may, kind of, get their feathers ruffled that a local entity is convening.

13 And, yes, our DHS I&A intelligence officer was invited, and either he or one of his  
14 colleagues showed up to most of those meetings.

15 In all honesty, I mean, we're talking about the 30th or 31st. I think we probably  
16 had about four meetings -- we probably got about four meetings in before the 6th, which  
17 probably includes the morning of the 6th as well.

18 Mrs. Murphy. Was the Department of Defense a part -- anybody from the  
19 Department of Defense a part of these meetings?

20 Mr. Harvin. We invited -- we have assigned, as part of the fusion center, we have  
21 point of contacts. And no one from the Pentagon, but we had invited our DOD  
22 intelligence officer from the D.C. National Guard. So kind of, but not big DOD, if you  
23 think about it that way.

24 Mrs. Murphy. So it sounds to me like you're making a distinction that these  
25 meetings were about the intel. Were you aware of meetings about operation, from an

1 operational perspective?

2 Mr. Harvin. I was not aware of any other meetings. And I sit on all the  
3 intelligence groups and subcommittees, whether they be local, within the NCR -- we have,  
4 through COG, MWCOG, which you may be aware of, there's an intelligence  
5 subcommittee, there's a police subcommittee with an intelligence group on it. I sat on  
6 the NSSE inauguration intelligence meetings. Those were the only ones.

7 And, once again, I have to stress that January 6th was not even an item on most of  
8 these agendas.

9 Mrs. Murphy. I'm sorry to beat this point. I'm just trying to follow up on some  
10 information from another interview.

11 Were you aware of any DOD-led coordinating meetings for January 6th?

12 Mr. Harvin. No, ma'am. There were none that I or anybody in my staff were  
13 invited to or were aware of.

14 Mrs. Murphy. Okay. Thank you.

15 And I yield back. Sorry about that, [REDACTED] Thanks.

16 [REDACTED] Of course.

17 BY [REDACTED]

18 Q So, Dr. Harvin, can you tell me -- so these calls with -- Capitol Police is on the  
19 calls, as are others. And you've talked a little bit about, obviously, what, you know, is  
20 unsettling you and what you're seeing.

21 Is that what you're sharing with them? What, briefly, basically, are you  
22 telling -- is being discussed with everyone else, including Capitol Police most importantly?

23 A Yeah. So, for consistency, every meeting started with an intelligence  
24 briefing, and I would put my analyst out there. At this point, it was too late to replace  
25 him. Even though he was a junior analyst, he was doing a great job. And so, you know,

1       you -- I mean, we really rode him hard, and he lived up to it.

2               But we started the meeting with a quick intel briefing from our side.   And then  
3       we went around the virtual room to see if anyone had anything else to add or if anyone  
4       was seeing anything contrary to what we were seeing.

5               And I don't recall any time that any of the other agencies stated that they saw  
6       something different, that they did not agree with our assessment.   It was, everyone was  
7       in concurrence as far as what the intelligence and the threat picture looked like.

8               And then, you know, once again, this is a very uncomfortable space for me, right?  
9       So I don't convene; the locals don't convene.   And so it is really a coalition of the willing  
10      at that point.

11              We talked about what our postures were and what our concerns were and what  
12      our collection was.   And, at some point, it got a little bit nerdy as far as  
13      tradecraft -- what sites are we culling, what search terms, right?   That's the analyst stuff.

14              But, by and large, I never asked -- and, once again, these are the intelligence units  
15      within these agencies, right?   So I don't have Steve Sund there saying, "Hey, what are  
16      you doing about this?"   Right?   I have my counterpart, Jack Donohue, saying, "This is  
17      what it is."

18              And, obviously, you understand the difference between intelligence and  
19      operations.   And that's why I called it specifically an operational intelligence meeting, so  
20      that we could take the information and not just make it, you know, some academic  
21      pursuit amongst intel folks, but to operationalize that and give it back to our respective  
22      agencies so we could do something with it.   That was the intent.

23              Q     So is it fair to say, number one, anything that you were sharing in terms of  
24      intelligence did not appear -- let's just talk about Jack Donohue and Julie Farnam, let's talk  
25      about Capitol Police -- did not appear to be new or different from what they, themselves,

1 already were seeing?

2 A Correct. Our tradecraft was no more, you know, sophisticated than theirs.  
3 In fact, there was probably some tidbits of information, a couple of websites that we  
4 learned from meeting with them.

5 So, you know, it wasn't like, hey, the NTIC has all this information and we're going  
6 to sit there and we're going to kind of, like, be a professor and just spout that off and let  
7 everyone go about their way. It was more collaborative than that.

8 And, you know, some of them came with additional information or more context  
9 behind what we were seeing. But nobody said, yeah, I don't believe in your assessment,  
10 at least publicly, or we don't think it's going to be that, or we think it's going to be even  
11 worse than you suggest. It was pretty much, right down the line, concurrence.

12 Q But what about the level of urgency? The Washington Post article  
13 characterized a lot of what you were seeing as urgent to you, as alarming to you. And  
14 so, if you could, I guess, talk to me about tone.

15 What was your tone, and what was their tone? Were they receiving it with the  
16 same level of urgency? Did you leave the phone call thinking, Capitol Police  
17 understands -- at least the intelligence agency -- of course, I understand that the  
18 operation side is different, but -- the intelligence folks understand the urgency of the  
19 threat here?

20 A Yeah. I left those meetings knowing that they heard what the threat was.  
21 I wasn't quite convinced that they appreciated what the threat was.

22 But I also red-teamed myself and said, well, maybe I'm being a little hyperbolic,  
23 right, and I needed a gut-check. Because these are all seasoned intelligence folks, and,  
24 while I've been in government for my entire career, I was relatively new at the time to  
25 intelligence. And I said -- once again, you have to gut-check yourself -- am I being the

1 alarmist one?

2 So my tone was, you know, normal in these meetings. Everyone was cool as a  
3 cucumber. And that kind of worried me. I said, either I'm overreacting or, you know,  
4 maybe I should just get a gut-check.

5 And that's what prompted me primarily to reach out to Mike Sena. I reached out  
6 to Mike Sena for a gut-check. I'm, like, Mike, I'm seeing this, I'm seeing that, and  
7 everyone I'm meeting with is kind of cool about it. I said, please, just tell me to calm  
8 down. And he didn't tell me to calm down.

9 Q All right. So let's get there.

10 The Washington Post reported that on January 2nd you called your counterpart in  
11 San Francisco, Mike Sena, it said, before dawn, because you were, quote, "growing  
12 desperate" and, quote, "Federal law enforcement agencies did not seem to be sharing  
13 his," meaning yours, "sense of urgency."

14 All right, so let's unpack that as thoroughly as we can. Let's start with the  
15 Federal law enforcement agencies. Which are the ones that you were feeling didn't  
16 seem to be catching on to that level of urgency?

17 A Well, first of all, I want to -- you know, what you read in the paper and what  
18 actually happens are two different things.

19 I'm not a mind reader, right? So my personal anxiety -- and that's exactly what  
20 I'm going to describe it as -- my personal anxiety came from the fact that I didn't see a  
21 whole lot of anything but talking. And there is quite a possibility that things were  
22 happening -- like, everyone was cool and everyone was feeling the same way I was, and  
23 they went back to their respective shops and they did what I did, right, which is, I alerted  
24 my direct supervisor, I told them how concerned we were with the threat, and they took  
25 those concerns and they operationalized that into a plan of action.

1           So I can't actually say, in all fairness, that, even though everyone was kind of cool  
2     in the room -- maybe everyone was supposed to be cool in the room, right? That's what  
3     we're paid to do, to be calm and cool -- that they weren't taking those concerns and  
4     running them up the ladder.

5           What my concern was was my personal anxiety at the fact that I didn't see  
6     anything operationally happening. I didn't see anyone talking about 8-foot non-scalable  
7     fences or any of these other things that we had seen over the summertime, right?  
8     Preparations.

9           I also was concerned about the issue that you and I had -- we talked about as a  
10    group, talked about earlier, which was this, you know, dogma for law enforcement, that  
11    they needed something credible and specific. And I had nothing credible and specific.  
12    I had nothing to feed that "credible and specific" beast.

13          And so those things, like, hey, Mike, can you gut-check me? I'm kind of new.  
14    He's kind of, like, my informal advisor, my shaman, if you will. And, B, maybe you're  
15    seeing something or maybe some of the other fusion centers are seeing something that I  
16    can feed these guys to get them to, like, bite on something.

17          And that's what really prompted the call.

18          I don't know if that answers your question.

19          Q    No, that's great. No, that answers --

20          A    The other part of your question is -- it was everybody, right? So everyone  
21    was, like -- everyone was a lot calmer and cooler than I was feeling.

22          And so it was probably -- once again, I'm internalizing what happened there. I  
23    think it was my lack of familiarity with the space I was in. My Spidey senses, if I can use  
24    that term and not be sued for trademark infringement, were tingling. And I knew  
25    enough about my experience in the public safety field to trust that, if I'm not feeling good

1 about something, I should reach out to someone and just not keep it in.

2 Q And I know that, after that call, Mr. Sena convened a call with all the fusion  
3 centers around the country.

4 What did he tell you on that call, first? Or did -- yeah. Did he have a position?  
5 Was he telling you, no, that you weren't overreacting at that call, or did that wait until he  
6 heard from other fusion centers?

7 A No, it was almost -- and you'll have to speak with him, if you haven't already.  
8 But I think it was an enlightening call for him, because he said, you know, we're seeing the  
9 same thing in California.

10 And I said, well, that was a validation of our tradecraft, that these folks were  
11 coming from all over, and that I should be concerned. And he said, well, what  
12 specifically -- what groups are you really concerned with? And I told him the groups and  
13 where we thought they were coming from. And he said, well, let me get a couple of the  
14 States on. I'll put it out there, and let's see who jumps on.

15 And I really thought it would be maybe five or six or seven States. And I was  
16 completely "floored," would probably be the only word, when I saw the participants list  
17 and it was hundreds. And so I didn't know who was on the call, but I knew that it was  
18 heavily attended and there was a lot of interest.

19 Q Could you characterize that call for us? You know, what is being said?  
20 What are the, sort of, top-line highlights that you took away from it?

21 A What's being said is the talking points, right, for consistency, the talking  
22 points that you have. And I put my junior analyst out there, and he was the lead analyst,  
23 and he said the same thing that he told HHS and the medical examiner and the hospitals  
24 and Director Rodriguez, everybody he put this information in front of. It did evolve a  
25 little bit; it was updated. But it was still, you know, at that level of urgency.

1           And, you know, I -- so I let the analyst give the presentation, and then I got to  
2   what the bottom-line-up-front was: We're looking for your assistance in collecting  
3   anything that could be determined as credible and specific threats to the District. These  
4   folks, you know who they are, they're coming from your AORs, your area of responsibility,  
5   and they're unfamiliar with us. In fact, I kind of made a joke that, you know, "all these  
6   crazies are coming from your cities and States. We don't have anyone crazy in D.C."  
7   And that kind of got a laugh.

8           But, to be quite honest with you, you know, from an intel standpoint, if you're  
9   dealing with an adversary that you're not familiar with, the best thing to do is either learn  
10   them -- we don't have enough time for that -- or speak to somebody who's dealt with  
11   these adversaries before. And that's what we were looking to do.

12          I left that meeting feeling that we had concrete plans on how to collect and share  
13   information about potential credible and specific threats. In fact, we stood up a HSIN  
14   chatroom -- "HSIN" stands for Homeland Security Information Network chatroom -- and  
15   that, you know, the fusion centers were able to, under a secure platform -- it's a DHS-run  
16   enterprise -- that the fusion centers were able to share and collaborate freely and  
17   effectively. And that was stood up on January 4th.

18          Q    You talked about how your intelligence flowed up the chain with the city and  
19   how it was operationalized and then also how you shared with Federal law enforcement  
20   agencies, sort of, you know, who were hearing the information and you weren't quite  
21   sure how it was being received -- you had no visibility into how it was being received and  
22   didn't really see much operational change with those Federal law enforcement entities.

23          I want to go now and talk a little bit about Federal agencies writ large, more, you  
24   know, higher up, the, sort of, FBI, DHS I&A. And I mentioned The Washington Post  
25   because I kind of want you to tell me what's true and what's not and not -- it's not a

1 given, so I would like you to please let me know if that reporting is incorrect.

2 It reported about the purportedly low regard that the FBI holds or held for fusion  
3 centers -- it used the derogatory term "confusion centers," for example -- and that NTIC,  
4 in particular, given its proximity to lead Federal intelligence agencies, was seen in this  
5 light, as not up to snuff.

6 And I think you mentioned it a little bit, that there was some hindrance in terms of  
7 them sharing information with you because of perceived -- you know, not having the sort  
8 of law enforcement capabilities that other larger, obviously, Federal agencies do.

9 So I want to start with all of that by asking, in your time there, in your view, did  
10 you encounter this purportedly negative reputation that fusion centers and NTIC had, in  
11 particular, with the FBI? And how prevalent, if you did, would you characterize that  
12 view was?

13 A Yeah, so that's a question I have been, you know, struggling with. When I  
14 read the Washington Post article, it all made sense.

15 All that I knew when I started working at the fusion center -- on day number one,  
16 what my manager said, and one of the reasons why I was actually brought over there,  
17 was that the FBI kept the fusion center at arm's length, and no one could ever really  
18 figure out why.

19 But, you know, I had worked with the Bureau over the last decade, a little bit more  
20 than that, between my time in New York City overseeing, you know, the BioWatch  
21 Program and, you know, rad/nuke response. I then worked in forensics for about 7 or  
22 8 years in New York City and D.C. and got a really close relationship with the FBI,  
23 particularly at the WFO level, with some of their folks. And so I saw that.

24 When I was recruited, specifically they talked about improving relationships with  
25 law enforcement partners. And so I said, I can do this. I've worked with law

1 enforcement, particularly the Bureau, for a while, and I understand that -- you know, I  
2 understand the nuances that one must approach particularly the FBI with.

3 I was disappointed to read that in The Washington Post, but then, once again, it all  
4 made sense to me.

5 There are a couple of occasions that stick out that point to the need for better  
6 collaboration and coordination between the D.C. fusion center specifically and the WFO.  
7 And I found -- and I may have mentioned this last time. You know, literally about 7 or  
8 8 months before I joined the fusion center as the director, I actually ran a full-scale, 2-day  
9 exercise in D.C., forensic exercise, with the WFO. So I had a ton of friends there, and we  
10 collaborated well. Once I got to the fusion center, it was a completely different  
11 experience.

12 And so, in hindsight, I realize that -- and I don't want to opine too much on this.  
13 But, in hindsight, I realize that my interaction for over a decade with the Bureau was  
14 transactional, and so long as it met the needs of the particular field office I was dealing  
15 with, you know, so long as I kind of helped them fulfill their mission -- but when it comes  
16 to information-sharing, it simply wasn't there.

17 For example, we had an assigned WFO intelligence analyst to the fusion center.  
18 Many fusion centers, I might add, don't have an assigned analyst. We had one. She  
19 showed up -- before COVID, she showed up once or twice a week. No one ever knew  
20 she was there. She would go into the high side, check in on all the systems, and leave.  
21 In fact, it took me about 7 or 8 months before I met her for the first time, and I was there  
22 every day.

23 And so, once again, in hindsight, when you're in the mix, you know, you're like, oh,  
24 she's busy, I'm busy, we just kind of -- in hindsight, she was there to check a box. We  
25 often invited her to collaborate on intelligence products, and she always refused. I don't

1 know -- you know, I'm not using "refusing" in a derogatory sense, like intentionally  
2 refusing, but there was always a reason why she couldn't.

3 And so, in my time, we never wrote a joint product with the FBI even though we  
4 had -- which is a common standard, by the way, for fusion centers, to write these  
5 co-sealed intelligence products -- fintel. But it's also a requirement under DHS as a  
6 metric for fusion centers that, you know -- you are judged at the end of the year based on  
7 how many co-sealed products you do. And we were never able to get any with the WFO  
8 FBI.

9 I met with their leadership on several occasions over at the WFO to ask for a  
10 couple things. One, we wanted representation on the JTTF, and that was denied. We  
11 wanted to get our analysts involved in what they were doing and have some type of  
12 analytical exchange, and that was met with a little bit warmer, but there was an  
13 impediment to that. We needed to get our analysts with -- they wanted our analysts to  
14 have Top Secret clearance, and generally fusion center analysts only have Secret  
15 clearance because we don't really need that level. We don't deal with sources and  
16 methods. So that's going to be a process. And they didn't want to support the -- so it  
17 became this circuitous conversation about, yeah, you can do this, but, you know, there  
18 was a wall.

19 Like, "We'll take one analyst and make them work on this squad, but, you know,  
20 they need to have Top Secret clearance." I'm like, "Great. Can you sponsor them for  
21 Top Secret clearance?" "Oh, it's going to be hard. We can't do that. Can you get  
22 DHS?" Well, DHS is not going to sponsor one of our analysts on their dime, at their  
23 expense, to work with the FBI, right? So then we're kind of stuck where we began.

24 This had been a problem for a while. Part of it was because we're not a law  
25 enforcement fusion center. Because the experience of my counterpart from Maryland

1 was a completely different experience, right? So the Maryland fusion center is run by  
2 the State Police, and the JTTF that's assigned to the BFO, the Baltimore Field Office, is  
3 embedded in the fusion center. Right?

4 And so, you know, the old adage is, if you've seen one fusion center, you've seen  
5 one fusion center. Fusion centers are completely across the map as far as their  
6 connection with their local field office, as far as their connection with their DHS  
7 counterparts. It really is a complete kaleidoscope when it comes to how information  
8 and intelligence is shared at the fusion-center level with their Federal partners.

9 I know that's probably a little longer, but hopefully you got some kernels in there  
10 that you can work with.

11 But, to cap that off -- and I'd mentioned this before, and I'd like to mention this  
12 again -- this was so foremost in my mind as a failed accomplishment, in getting closer  
13 with the WFO, that immediately after January 6th happened, literally 2 or 3 days later, I  
14 implored my director to reach out to the WFO and speak to their assistant director and  
15 get a meeting on the books so we can talk about closer collaboration and coordination.

16 And, once again, we just rehashed all the same things. "Hey, we'd like to get  
17 someone on the WFO." "Oh, that's not possible. We're not going to do that." Like,  
18 they flat-out told us no.

19 And my point -- and I didn't mention this to him, but I mentioned this to my  
20 director, because I was, you know, upset, but I was being diplomatic. You know, NYPD  
21 has more people in the D.C. JTTF, the WFO JTTF, than the D.C. fusion center. How is  
22 that? And I know these guys, right? I've had lunch with them.

23 So there's a problem there. And that's what I wanted to articulate, and hopefully  
24 they're working on that. But it's been raised.

1

2 [3:04 p.m.]

3

BY [REDACTED]

4

5

6

7

8

Q Did these views at all affect -- so the relationship that FBI, the Washington field office, the perceived reputation that The Washington Post reported with NTIC, in particular, do you feel that it affected the contributing negatively to the threat picture that was painted on January 6th either the distribution of intelligence, the receipt of intelligence, did it affect that at all?

9

10

11

12

A I believe it affected the threat landscape, at least how we perceived the threat, absolutely. Because if the reporting -- if the open-source reporting is accurate, the FBI had leads, they had tips, they were -- they were involved in investigations, there were even meetings or at least a meeting that we had no knowledge of.

13

14

15

16

And so, whether that would've changed what happened on January 6th is debatable, but I can tell you that we were kept completely out of the dark, and I don't believe any of the -- any of the meetings that we held the FBI showed up to. And, if they did, they didn't speak up.

17

[REDACTED] Can I just jump in here, [REDACTED] and ask a question?

18

BY [REDACTED]

19

Q Okay. Dr. Harvin, can you hear me?

20

A Hi. Yes, ma'am.

21

22

23

Q So I just want to go back to what -- and I might've missed this, but the folks that you're overseeing, the 30 analysts, are there any FBI analysts embedded in your organization?

24

25

A We have an FBI analyst that's assigned to the fusion center part time. Once COVID hit, she stopped coming. And so our -- our -- she would essentially serve as the

1 point of contact, and so we would get, you know, intel products, you know, they called  
2 them JIBs, Joint Intel Bulletins, you know, things like that, but it was a very passive -- it  
3 was a very passive relationship as opposed to her showing up in our regular meetings, her  
4 being embedded in our operation.

5 Conversely, our DHS/INA officer, our intelligence officer was there in the office  
6 with us even during COVID, was in the meetings with us, and we pretty much couldn't get  
7 rid of him.

8 So there's a complete juxtaposition between our relationship with DHS and the  
9 FBI, and because of that, we wound up sharing and getting a lot more information from  
10 the DHS than we did FBI. In fact, we got FBI JIBs, you know, usually an hour or two  
11 before the FBI sent them from our DHS counterpart.

12 Q So it sounds like from, what you're saying, that the analysts assigned to you  
13 all through the Bureau wasn't actively participating or communicating anything from  
14 what she was seeing from the Bureau team?

15 A Correct.

16 Q And you mentioned that, when you asked WFO/FBI leadership about joining  
17 the JTTF, it was denied. Did they give a reason? Can you explain that a little bit?

18 A The first time -- it was -- we were working at the intelligence level. It  
19 wasn't WFO leadership, and what they offered is, you know, they said: Well, we have a  
20 JTTF executive, you know, steering committee or something, which you as the fusion  
21 center director can attend. In my time there, I think, there was one or two meetings.

22 Q What was that called? I'm sorry.

23 A It was the JTTF executive committee or something -- JTTF executive  
24 something. It's committee or board or whatever, you know. Literally met -- over the  
25 course of 2 years, I went to one meeting. And they said, well, you know, we generally

1 don't put people on the -- in the JTTF, you know, and I mean -- they outlined a plan in  
2 which it would be better to integrate our analysts into the intelligence function and in  
3 support of some of their squads before -- you know, kind of JTTF is your last stop, right?  
4 You just don't go straight to JTTF. You have to, you know, hit these other bench marks.

5 So we were willing to do that, but obviously the security clearance was an issue.  
6 Another issue that they had brought up and that was brought up, again, later on with  
7 myself and Director Rodriguez met with the ADIC over at the WFO, the assistant director,  
8 over there is the fact that, you know, there were some incident in the long, long past that  
9 no one could actually remember or articulate what happened, but when the fusion center  
10 was not with HSEMA, but when it was with the D.C. Police, that there was some  
11 document that was leaked or put out.

12 No one actually knew the specifics of that. It's kind of like passed down from  
13 like, you know, lore, but, you know, they all put that in front of us as kind of like -- but  
14 we're going to start from scratch and like, you know, I felt and I still feel today that they  
15 used that as an excuse in perpetuity to kind of keep us at arm's length. That's my  
16 personal opinion.

17 Q But what is the sharing mechanism to the Federal agencies from what you're  
18 learning? What should the process be?

19 A Well, the reason why you have an FBI intelligence analyst embedded in the  
20 fusion center is to share face-to-face intelligence, to provide access to fintel. We have  
21 the same systems. They're working out of the same space on the high [inaudible] side.  
22 You know, I never got a phone call from them, you know, whereas, in DHS, I would get  
23 frequent phone calls or texts from my INA rep. And so it was just a different -- to be  
24 honest with you, I don't -- I can't be any more blunt. We just didn't come to expect  
25 anything from the WFO, and they didn't disappoint.

1 Q But just so I'm clear, the [inaudible]

2 A You're kind of -- you're kind of fading out there.

3 Q Sorry. Can you hear me now?

4 A Yes, ma'am.

5 Q Just so I understand it, but the information that you're seeing at the D.C.  
6 fusion center region, are you providing it to WFO?

7 A Yes. So we're obligated to do that, but not the entire bucket, right? So  
8 this is the point. Anything that we deem a post of concern, our analysts are trained in  
9 how to submit posts of concern on to eGuardian, which is the system that we use. That  
10 is -- that is all done and that's how we conventionally share information.

11 We're not going to share with them every little bit of information. Trends of  
12 information, obviously, but posts of concern or credible, specific threats, we're obligated  
13 to upload in the eGuardian, and that's our responsibility.

14 Q Do you have a sense of how many eGuardian warnings, however, you want  
15 to phrase it, you uploaded about January 6th?

16 A That is an excellent question to which I have no answer. I would reach out  
17 to D.C. Homeland Security and the fusion center, and they can pull those records.

18 Q And my followup question is, did you just upload it to eGuardian with the  
19 knowledge that it would reach that portal that the Bureau would have access to, or did  
20 you ever send anything specifically to the analysts on the D.C. fusion -- at the D.C. fusion  
21 center or any other WFO/FBI contact?

22 A Yeah. The mechanisms of how that work, I would defer to the fusion  
23 center. It's not to be -- not to answer your question, but I believe that when we upload  
24 documents or upload a case into eGuardian, there's notifications that automatically go  
25 out. So it's an automated system. So -- but I don't want to, you know -- those are the

1 nuts and bolts -- my manager used to call that how we churn the butter -- that I'm not  
2 familiar with, but it's not a passive -- by any means, eGuardian is not a passive system; we  
3 just don't drop it in there and walk away. If there's interest from our Federal whatever  
4 police authority, there's an interaction between the analysts. And then the analyst can  
5 see what was picked up as something of interest and what wasn't, but my managers over  
6 there would have a better idea what those mechanisms are than I do.

7 [REDACTED] Thank you.

8 BY [REDACTED]

9 Q All right. Dr. Harvin, so The Post reported that 48 hours before  
10 January 6th, so January 4th and onward, quote: Harvin began pressing every alarm  
11 button he could. He invited the Federal Bureau of Investigation, the Department of  
12 Homeland Security, Military Intelligence Services, and other agencies to see the  
13 information in real time as his team collected it.

14 Tell us about that. Did they take you up on that offer?

15 A Yes. So the way that was phrased wasn't how I would do it. I  
16 essentially -- so let me give you the translation. I essentially -- we sent out a notification  
17 to all of our partners that normally participate in fusion center activations that the fusion  
18 center was active.

19 We were going live for 24 hours, and we requested that, you know, they send a  
20 representative to staff the fusion center. Every -- all of our partners have a space in the  
21 fusion -- it's kind of like an emergency operations center. You know you have these  
22 seats and desks, and if they were interested, we would make space for them to be  
23 collaborative. So that's what they translate for layperson's terms is inviting people over  
24 to see what happened.

25 It's a normal function of an activation of the fusion center. So we let them know:

1 Fusion center's activated. Please let us know if you're going to be sending a  
2 representative.

3 We sent that to the FBI. They said that their representative would be remote,  
4 and it was the same person that we normally dealt with. And that they would not be  
5 sending anyone to the fusion center like other agencies did, and they also told us that  
6 they wouldn't be mobilizing, that they wouldn't be -- have like a mobilization, which I  
7 believe I later found out was inaccurate.

8 Q Okay. And so is it fair to say then the other agencies did send someone?

9 A Yeah. We had someone -- we had -- I don't know if they were  
10 tapped -- you know, once again, we're still in the middle of COVID, right? Most people  
11 haven't had their vaccines yet, so there was a social distancing component there. I  
12 believe -- when they say "military intel," they're talking about -- the only military intel that  
13 we have that's registered or signed up to be a liaison, what we call intelligence liaison, at  
14 the fusion center is the National Guard, and so we put that out there.

15 I believe we had National Guard. Could be wrong on that. We certainly had  
16 NCIS, and I don't know why. They -- they were new on the scene, but we weren't  
17 turning anyone away, and DHS was there. And there may be a couple of agencies that  
18 I'm missing, but the other thing is that we don't expect people to come to us, so we go to  
19 them.

20 We did something unprecedented and I made the arrangements with Jack  
21 Donohue from the Capitol Police's intelligence shop on the 31st to embed one of our  
22 analysts at the Capitol. We had never done that before, not for January 6th, but 2 days  
23 earlier just so we could start getting some ground truth and understanding what the  
24 situation was.

25 And we embedded someone in MPD's Joint Operation Center, which is

1 commonplace for us. And so we had our people out there, and we invited our shop,  
2 which allowed seats to be open so other folks can come and sit at our shop as well.

3 Q You talked about, in particular, to FBI, not so much DHS, the -- what you  
4 came to later read was this sort of impression about NTIC and fusion centers that that  
5 affected the information you received. So there were things that the FBI had that they  
6 did not relay to you.

7 Did it affect things the other way around? Did it affect how the information you  
8 had, the threat landscape, the warnings that you felt you were conveying, how they were  
9 received and how -- and if they were taken seriously because it was coming from a fusion  
10 center?

11 Oh, you're muted, sir.

12 A Sorry. I would have no way of intrinsically knowing if it impacted their  
13 assessment or their posture. You'd have to ask someone from the WFO. You know,  
14 it's unfortunate if it's true, but I sense it's true in retrospect. Having experienced it and  
15 then seeing it in print, it all made sense at that point.

16 And, by the way, I know we're talking about January 6th, we're not the only fusion  
17 center that's had problems with their field office. You can get a lot of background from  
18 Mike Sena, who's helped guide other fusion centers through difficult issues with their  
19 local field office, but it is a trend, and it's specifically a trend for non-law-enforcement  
20 fusion centers.

21 And it's a vulnerability, to be honest with you. I mean, I would go on record as  
22 saying, you know, if you lived within a jurisdiction that you have a law enforcement fusion  
23 center, you're probably a lot safer than those jurisdictions that don't.

24 Q You mention, in the lead up to January 6th a call with the city's health  
25 department and with area hospitals urging them to prepare for a mass casualty event.

1 Your quoted as saying: Empty your emergency rooms. Stock up your blood banks.

2 That's again by The Post.

3 Was that something that you did on your own or under the direction of someone  
4 else?

5 A I did that on my own, but that's, you know -- once again, I'm kind of bringing  
6 in my disaster management and background into this. And that wasn't the quote.  
7 They kind of paraphrased it. I kind of laugh every time I say that: Empty your blood  
8 banks. Empty out your ERs. You know, stock up your blood banks.

9 They kind of distilled a 45-minute discussion down into, like, that one quote, but,  
10 essentially, I was actually concerned about the threat of interpersonal violence. I was  
11 specifically concerned about the fact that you could have people who were just fighting in  
12 the streets now being treated right next to each other in the ER, right?

13 And so I told -- I kind of painted that picture for them that you could have, you  
14 know, antifa being sutured in the bed next to a Proud Boy, and what would that mean for  
15 your security posture in your emergency room? And so that's why I told them to -- we  
16 use a different term "decant" the emergency room.

17 They have the ability to kind of rapidly discharge and move around, basically be  
18 ready in a pre-disaster mode, which also includes making sure that your blood banks are  
19 online and that you have rapid availability because, you know, especially with  
20 interpersonal violence, you know, baseball bats and clubs and things to the head, you  
21 know, you see a lot of bleeding and things of that nature. So it gets a little wonky, but  
22 yeah.

23 Q How would you characterize the force of these suggestions? Are you  
24 urging hospitals to do this? Are you telling them to do it? What -- is this --

25 A I was very definitive. Once again, I let my analyst give the presentation,

1 and I said -- and I gave the context: What does this mean to you?

2 But I was able to do that because I've had a long relationship with many of the  
3 folks on the phone, having worked with every single hospital in my previous job to  
4 prepare for mass fatality incidents, right?

5 So I had done disaster drills at these hospitals, and I knew their executives and  
6 their emergency preparedness folks. So I was able to speak frankly to them that I -- in a  
7 way that I wouldn't be if I was in a different jurisdiction in a different context.

8 Q Did NTIC create a written threat assessment for January 6th?

9 A We don't -- we don't do threat assessments; we do impact assessments.  
10 And we created an internal impact assessment that had our staffing, basically a lot of the  
11 information that -- some of the information that you have available to you. It's more of  
12 an operational document, as well as kind of like a red teaming assessment.

13 Q Is it fair to say, then, the distinction you're making between -- because we  
14 don't know the terms "impact" and "threat assessment" -- is that -- this is meant to be an  
15 internal document as opposed to one that is to be shared?

16 A Yeah. Yes. So there's a sleight of hand there just from my fusion center.  
17 We don't do threat assessments for First Amendment protected activities, right? And  
18 the reason why is because I assume that every document that I -- me or -- that my team  
19 creates is going to get out there in the wild. And so the last thing we want to do, once  
20 again, going back to that that specter of domestic spying, is for a peaceful First  
21 Amendment protected activity to be seen in a threatening light, right?

22 So it's written and it looks the same as a threat assessment, but we call it an  
23 impact because we're, first and foremost, concerned about the impact that this activity  
24 would have on the operation, continuity of operation and critical infrastructure of the  
25 District of Columbia.

1           So that's the lens in which we look at it. Then we look at it threats towards those  
2 people who are coming to, hopefully, peacefully participate in First Amendment  
3 protected activities, and then the third lens we look at is, are any of those folks who are  
4 coming under the guise of First Amendment protected activity coming to do us harm?

5           And so, in that case, it's a lot more layered approach methodologically than a  
6 straightforward threat assessment. Like these are people coming, this is what they've  
7 done before, blah, blah, blah, blah. And so we have to do that in D.C. because,  
8 obviously, if you can't come to the Nation's capital and celebrate or complain, then all  
9 hope is lost for our democracy. Other jurisdictions will call it a threat assessment and  
10 mean it, but we don't do that.

11           Q   Is it meant to be shared outside of --

12           A   Yeah. I mean, we could share it with our local partners, but, generally,  
13 also -- if you look at the jurisdiction, we're not going to write an impact assessment to  
14 something that's -- happening in our jurisdiction -- on our legal jurisdiction.

15           So, for me to write a threat assessment or impact assessment on something that's  
16 happening on Capitol Grounds is, you know -- it's going to ruffle people's feathers.  
17 We've had that done to us. We've had another jurisdiction write on, you know, when  
18 we had the Nationals parade, we had Virginia write a threat assessment on it and didn't  
19 collaborate with us, and we didn't know about it. And we're like it's just bad form.

20           So what we do is we organize around ourselves. It's a document for us, and it's  
21 also an operational document -- who's coming in, what are we concerned about, what are  
22 we seeing, and if one of our partners wants it, we're more than happy to give it to them.

23           Q   I guess if you can tell me, if you know, to your recollection and practice, on  
24 January 6th of this -- I'll call it an impact assessment is, I think, what we're calling it, was it  
25 shared with anyone else outside of NTIC?

1           A    No.   Not unless it was done and I don't know about it.

2           Q    Okay.

3           A    Nor -- a followup question that I'll give you, nor was anyone else's threat  
4   assessment or impact assessment, whatever they called it, shared with us.

5           Q    Okay.   So my next question is going to be, you've now -- I don't know if you  
6   have, but have you seen the one put out by the Capitol Police, the one that famously  
7   noted that Congress itself was a target and not the counter protesters like before.

8                Are you aware of that threat assessment put out by -- reportedly put out by  
9   Capitol Police?

10          A    I'm aware of that.

11          Q    Okay.   So, in line with your previous question, my understanding would be,  
12   you did not receive that threat assessment prior to January 6th?

13          A    That is correct.

14          Q    To your recollection and, again, probably in line with your previous answer,  
15   did any organization in the intelligence community, in the law enforcement community,  
16   Federal, local, did any of them in the National Capitol Region produce a written threat  
17   assessment that reached you prior to January 6th?

18          A    Negative.

19          Q    Okay.   What do you think about that?   Was that a problem?   Do you  
20   think it would have helped the situation or potentially not much on the margins if one  
21   had been generated by, say, the FBI or DHS, INA, the sort of big sort of intelligence  
22   gathering operations?

23          A    I think that had something from the Federal Government been put  
24   out -- once again, we're talking about that juxtaposition between what the State and  
25   locals are expected to do and what the Federal Government is expected to do.   I think if

1     you had a Federal agency like DHS or FBI or Park Police put out something, then a lot of  
2     the conversation about who knew what when would kind of go away.

3             I think that individuals who maybe weren't prepared would have been better  
4     prepared once it's in writing, but in the absence of any type of unified command or unity  
5     of command like you would find in a SEAR or an NSSE event or in the absence of any  
6     Federal law enforcement or Federal agency -- we'll just say Federal agency taking the  
7     lead, now you have, you know, everyone pointing at each other and saying what they  
8     knew and what they didn't know, and it's a mess, to be quite honest with you.

9             Q     Do you have any visibility given, you know, your work experience in that area  
10    for couple of years, any visibility into why you think none was created?

11            A     I have no visibility. I have an opinion, but I don't have any intrinsic  
12    knowledge.

13            Q     You can share your opinions with us.

14            A     I actually think other people probably -- there are probably some out  
15    there -- I mean, you don't have to tell me, but I think that someone probably wrote  
16    something in every agency. Whether it saw the light of day or whether it got past the  
17    draft stage, whether it was released internally, I don't know, but I can't see with all the  
18    information -- listen, with all the information in intelligence that we had about a lot of  
19    people talking about coming to the district to commit violence, if they didn't write some  
20    type of internal document that had the look and feel -- didn't have to be called a threat  
21    assessment -- the look and feel of a threat assessment, then there's something wrong  
22    with that agency, full stop.

23            You know, whether they release it or not, you know, that's something that I think  
24    that is best, you know, discussed at Congress' level and in coordination, communication,  
25    and openness between agencies, but if it wasn't done, then there's a problem. That

1 means they weren't getting their team ready and not just prepared, but transmitted  
2 throughout the agency in a need-to-know way. That means if they didn't do that, they  
3 weren't getting their forces on the ground prepared for what was coming. And I think  
4 January 6th bore out that -- that, you know, probably happened.

5 Q Do you agree or disagree with the statement made by former Capitol Police  
6 Chief Steven Sund that there was no specific credible threat leading up to January 6th?

7 A I agree with that statement so far as the information I had available to me.  
8 There may be other agencies like the FBI that had specific, credible threats that they were  
9 following up on, but that wasn't made available to me.

10 Q And can you talk to us about whether that as a justification for lack of  
11 preparation makes any sense? You sort of alluded to the fact that you believed that  
12 there were noncredible, nonspecific threats to such a volume that it warranted a look?  
13 Can you go into that a little bit?

14 A Yeah. So, once again, I agree with Chief Sund's statement that there was  
15 no credible, specific threats because we weren't presented with very many. I don't  
16 believe that the equation ends there, right? It's not a binary yes/no. There was  
17 enough threat that was vague, that -- that was pronounced that more should have been  
18 done than what was done.

19 And I can say that because I do recall with my very own eyes being out there in  
20 June when you had other protesters aligned with antifa and BLM post-George Floyd that  
21 were marching on the Capitol on several occasions, and they were met in force and  
22 prevented from getting anywhere near the Capitol Grounds.

23 They were stopped blocks away from the Capitol with horses -- with horses -- with  
24 officers in riot gear. And so I know that they have the capability. I know they have  
25 CDU trained units. I don't know why their posture was what it was or why they felt that,

1 if they didn't have credible, specific threat that they couldn't act on it in the way that they  
2 didn't have credible, specific threat in June, but they acted upon it -- acted upon the -- the  
3 threat environment, as I think you mentioned earlier.

4 Q You used a previously sort of a colorful analogy about a bully telling you to  
5 meet outside school and that the intent and meaning is known even if he doesn't exactly  
6 state what he's going to do after school. Is that an apt analogy?

7 A Yes. So if -- I mean, you know, this is the equation, right? So people are  
8 saying they're going to come and give you a black eye, a bully saying, you know,  
9 wait -- wait till after school, I'll see -- I'll see you in the yard, you know, you don't just kind  
10 of say: Well, that's not credible. That's not specific. Let me go out to the yard and  
11 see what happens.

12 What happens is you get a black eye. You know, if you're smart, you tell  
13 somebody and get some help, or you sneak out of school a period early, right?

14 You know, you have to adjust to the information that's provided to you. And so  
15 one statement that I heard from Chief Sund that you didn't mention that I'd like to  
16 mention is the fact he said it was intelligence failure and the evidence is borne out  
17 completely the opposite.

18 So it may have been an intelligence failure on his agency's part and a failure to  
19 properly contextualize and pervade the threat environment, but it wasn't an intelligence  
20 failure at large. And so that would -- that would reflect poorly upon him.

21 Q You've spoken in the past about the false sense of security you think law  
22 enforcement felt because of the types of protesters that we were seeing on January 6th.  
23 For example, maybe the demographic make-up of the protesters or maybe that they were  
24 assumedly pro-law-enforcement.

25 Why do you think that's true? What specifically in your experience leading up to

1 January 6th supports the view that maybe there was that sort of false sense of security?

2 A I think -- you know, and I'm not a psychologist and I don't study this other  
3 than just kind of academic interest, but, you know, in retrospect, there was a lot of  
4 violence that we saw in, you know, May, June, July, by the left and when the radical right  
5 showed up, the violence was between the radical right and the radical left; it wasn't  
6 directed -- the radical right did not direct their ire at law enforcement.

7 In fact, it was the opposite. They were coming to town to seek to defend law  
8 enforcement. In fact, there was one time that they were -- they lined up -- the Proud  
9 Boys had lined up near the Capitol to block the path of, you know, left -- we'll just call it  
10 left-wing protesters. And it was always back the blue. You saw the blue line flag  
11 displayed at every single march in the summertime.

12 And, even in November/December, they were out there with their blue flags,  
13 letting them know: It's not you; we support you, you know. It's the election. We're  
14 all on the same side.

15 And I think that -- and I'm being -- I'm being generous when I say that may have  
16 lulled, you know, the powers at be into a false sense of security in not thinking that these  
17 individuals could be violent, but what they didn't realize is these individuals weren't just  
18 the only individuals showing up. And they were coming with individuals who hadn't  
19 been here for BLM protests.

20 We're not gonna -- Neo-Nazi groups, you know, accelerationist groups, armed  
21 militia didn't show up over the summertime to kind of clash with BLM folks. They just  
22 stayed at home, right? But when you start seeing, you know, Atomwaffen -- well, not  
23 Atomwaffen, but, you know, the right splinter group, the Atomwaffen, the Vorherrschaft  
24 Division, Stormfront, Oath Keepers, Three Percenters, these -- these are serious players.  
25 And if you're not with them; you're against them. And that sentiment was stated clearly

1 online, clear as day.

2 Is there -- is there possible that there was some type of institutional cognitive bias,  
3 you know, I think that probably should be studied. I think there's a potential there.  
4 Now, that's certainly not to say that anyone in Federal law enforcement or the Capitol  
5 Police was racist. It's not to say that at all.

6 What's to say that, it's clear that they didn't perceive the threat as it should have  
7 been perceived and the question is why.

8 Q So I want to be cognizant of time. We have about maybe 23 more minutes,  
9 and I am going to briefly now ask you about your day on January 6th and then any  
10 recommendations you have moving forward, but before we turn to those two things, I  
11 want to make sure is there anything in the lead up to January 6th, the intelligence,  
12 anything that has sprung to mind from my questions that you think the select committee  
13 should know before we turn to the 6th and afterward?

14 A No.

15 Q Okay.

16 [REDACTED] Go ahead, [REDACTED]

17 BY [REDACTED]

18 Q Thanks, [REDACTED]

19 You mentioned many times, I believe, that you repeated this no specific, credible  
20 threat, but the volume of it was meaningful to you.

21 When, in the timeframe leading up to the 6th, did that shift for you, that it wasn't  
22 just you're seeing these posts, but that the volume of it impacted you to make it seem  
23 that it was more alarming?

24 A I would say, you know, couple days after the tweet on the 19th, so maybe  
25 the 21st.

1 Q And --

2 A 21st and the 22nd.

3 Q I know [REDACTED] asked you about your answer you mentioned the summer  
4 protests. If there had been the same type of posts that you had seen during the  
5 summer from left-wing groups, do you think that would have triggered some sort of  
6 threat assessment from the Federal partners? Again, the exact same scenario, nothing  
7 specific and credible?

8 A Yeah. I mean, that -- that would be pure conjecture on my part. So if you  
9 allow me to conjecture --

10 Q Yeah.

11 A In my professional opinion, absolutely. I believe that something would  
12 have been done because the amount of violence that we saw and the perception of the  
13 potential for violence. I would even go as far as to say had that been, you know, Black  
14 and Brown faces on the Capitol Grounds on January 6th, beating, bear spraying, and  
15 tugging at law enforcement weapons, then the response would have been completely  
16 different than what it was.

17 Q So you're answer focused on the response, but I'm more curious about the  
18 threat assessment leading up to it. So if the same posts had been from --

19 A Yes. I believe -- I believe if it was -- if it was the crowd that we experienced  
20 over the summertime that was marching on January 6th to, you know, enact violence and  
21 penetrate the Capitol they had articulated online, then there would certainly have been a  
22 lot more done in my professional opinion. Part of that is because of the level of violence  
23 that we actually saw from the left that contributed to the state the district was in, and  
24 part of that, the violence that was targeted and directed towards law enforcement by the  
25 left.

1           Q    I just want to ask also about the posturing of the local police. Do you have  
2 any sense of how many local police were positioned on January 6th? We've heard a  
3 number of about 8,000 people. Does that -- did you have any visibility into that?

4           A    I have no visibility on that. That would be Chief Contee's realm.

5           Q    Another question on whether you had any visibility into the days leading up  
6 to January 6th about interagency calls at the level of the director of DHS or the attorney  
7 generals [inaudible] officials, were you aware of any planning calls for January 6th at that  
8 level?

9           A    No, ma'am. Not only was I not aware of any calls; we weren't invited to  
10 any. So it wasn't just me. No one in my shop or my agency were invited to speak on  
11 behalf. My director and I worked very closely. He would tell me if we were invited to  
12 something like that.

13           [REDACTED] Thank you.

14           BY [REDACTED]

15           Q    Thank you. So if you could talk us through your day on January 6th briefly,  
16 of course, and with an eye toward, you know, observations you made that were either in  
17 conformity with what you were thinking previously or were either more alarming or  
18 surprising to you as the day developed?

19           A    Yes. My first observation is I hit a wall of traffic when I was driving from  
20 Maryland down to D.C., and this is, you know, in the midst of COVID. Normally, it would  
21 take me, you know, 35 minutes to get to the office; this time it took me an hour. And I  
22 was literally surrounded by cars without of State plates with bumper stickers or American  
23 flags or Trump flags or both. I saw Confederate flags. I saw "don't tread on me" flags,  
24 and I knew that I was -- that this was going to be far bigger than we anticipated, especially  
25 when we started hearing reports about the same thing coming from D.C. from south.

1           And so I got to the office a little bit later than I wanted to. The former President  
2           had just begun speaking at the Ellipse, and we saw the crowd, and it was massive. You  
3           know, at that point, there's nothing much we can do. The die had been cast. All my  
4           players were in place. My analysts were over at the Capitol Police, at the -- at the MPD  
5           Joint Operations Center.

6           We, once again, asked and told that there was no mobilization for WFO, and the  
7           Park Police also told us they weren't mobilizing, which is not uncommon. We just  
8           wanted to make sure we had all our bases covered. And then we started seeing -- and I  
9           had people out there in the field to, you know, relay for damage assessments and kind of  
10          give us an idea of crowd movement and things of that nature.

11          And they also expressed it was a large, huge crowd. And then, after the speech,  
12          we watched them walk down Conn and started approaching the Capitol. And within  
13          minutes, it started getting very violent. Tugging and pulling. I was actually surprised  
14          when I was watching it. I wasn't watching on television like everybody else was. We  
15          have other means to look at some of these things, most of them as social media. People  
16          are live streaming them. So we have access to that. It's OSINT.

17          And I was actually surprised to see the bike track and really how loose and ragged  
18          the kind of defenses looked, and I'll call them defenses. And then it deteriorated pretty  
19          quickly. We were watching it livestreamed and at one point, I reached out to my phone  
20          when I saw them trying to penetrate the scaffolding. And I texted Jack. I'm like:  
21          Jack, they're going to get in through the scaffolding.

22          And he's like: We know. You know, it looks like they may be able to get in, and  
23          then literally 3 or 4 minutes later on OSINT, once again, I'm watching them penetrate the  
24          Capitol. It's still not being carried in live media because the media aren't down range.

25          And then kind of all hell break loose, you know. We -- obviously, we're already in

1 place, but at that point, I'm kind of helpless. There's nothing I can do except make  
2 phone calls and kind of help out the effort.

3 Q You mentioned that you had the opportunity to listen to some of the  
4 President's speech. Did any of it give you any pause, as a consumer of intelligence,  
5 anything he said that concerned you?

6 A It wasn't the tone. I was surprised when he said: I'm going to march  
7 down with you.

8 I'm like, oh, that's going to be horrible. Like, what's that going to look like? I  
9 felt bad -- actually, I remember the first thing I said: I feel bad for his Secret Service  
10 detail. That's going to be bad.

11 That's the only thing that, you know, that sprung out, and then the "fight like hell"  
12 thing didn't sound Presidential, but, once again, a lot of this stuff, I don't really -- I kind of,  
13 in one ear, out the other, but those two things: We're going to go down there. We're  
14 going to fight like hell, and I'm going to be with you.

15 And my ears perked up. I'm like: Why you going down there? And I feel bad  
16 for your Secret Service detail.

17 So -- I think he said something, like, I'm paraphrasing, like, fight like hell. I could  
18 be wrong.

19 Q After January 6th, when the FBI was investigating who to charge with the  
20 attack, is it true you agreed to send two analysts to work full time with them, identifying  
21 suspects? And so tell me about that and whether the relationship with FBI and the  
22 Washington field office changed after January 6th?

23 A I think they were more cordial, but, once again, like, once we were done  
24 supporting their effort, it kind of went back to where it was. Their -- they had a change  
25 in posture, not towards us, but towards everyone. They started running these daily intel

1 meetings at a very high level, which we appreciated, but, you know, we weren't  
2 disillusioned.

3       You know, once we had -- we have a pretty robust and capable OSINT capability  
4 that was able to match some of the people that were there with their online accounts  
5 and help with the investigation. We helped identify hundreds of individuals that way for  
6 them, but we had no disillusion to the fact that, you know, once, you know, they no  
7 longer needed us, they would no longer need us so.

8       But, once again, any opportunity to help and show our value, we were really  
9 excited to do that and just chipping away at that kind of wall in the relationship, I think,  
10 was helpful.

11       Q   Why did you ultimately decide to leave your role as head of NTIC?

12       A   I was burnt out, and I was being transitioned to -- not transitioned, but I was  
13 being asked to spearhead another initiative for the District that was the gun violence  
14 initiative that the mayor had. I was tasked to be the lead on that and run the Gun  
15 Violence Emergency Operations Center, and, you know, I had personal reservations about  
16 that. And, you know, I figured that, once the news broke that me and my team would  
17 be on the right side of history, I was totally burnt out, and I figured now's a good time to  
18 kind of bow out and kind of pursue other things.

19       Q   What were some of the major lessons learned that you took away from  
20 January 6th? So what did you see as the major failures? If it wasn't an intelligence  
21 failure, as you so articulated, was it a failure to operationalize the intelligence? What  
22 was the failure -- what were the lessons to carry from it?

23       A   The lessons are the disconnect between operations and intelligence, and  
24 that needs to be corrected. The lessons are the disconnect between intelligence and  
25 intelligence, right, at the Federal, State, and local level, even between Federal agencies,

1 dare I say. DHS and FBI really need to, you know -- they collaborate with the JIBs, but I  
2 just don't know how much of it is checking boxes as much as it is close, you know,  
3 relationships and feeling like they're part of the same mission.

4 I also think that it illustrated how far we've come since September 11th with  
5 the -- you know, the fusion centers. I think that was a success story in being able to fuse  
6 the fusion centers. I think there's something there there that needs to be looked at in  
7 terms of activating a national network of State and locals, all geared towards one mission.

8 We did that for the inauguration. In fact, I had, you know, intel analysts from all  
9 over the country working for me remotely through emergency management agreement  
10 compact and, you know, once again, the first time that the fusion centers had been fused  
11 all towards one thing. So I think there's something there there that should be followed  
12 up. I think some fusion centers can't participate in that because you, frankly, have a  
13 couple fusion centers in the country that have three or four people. So they have zero  
14 capability or they're not focused on the -- really, the Homeland Security or domestic  
15 terrorism front because they're too busy doing the local crime grind.

16 And so a real close look at fusion centers. And what are the strengths. And  
17 what are the weaknesses and kind of build -- they're here, so you can't get rid of them,  
18 but I think that's a silver lining. I also think there's a cautionary tale to be told about  
19 focusing too much on one type of violent extremist at the absence of looking at another.

20 And so, you know, we have more than one eye. It's kind of like the Eye of  
21 Sauron. You got to look this way and like -- if you look this way too long, some hobbits  
22 are crawling up the base, and they're going to attack you. And for so long we've been  
23 looking at the international terrorist threat, the homegrown violent radical jihadi threat.

24 We've let the right-wing and White supremacy threat flourish and really come into  
25 legitimacy over the last 4 or 5 years. And, last year, while we were focusing on the

1 threat from the left, the threat from the right came. And so we need to have a  
2 multidimensional approach to how we look at radical violent extremism. And I really  
3 don't think that, in all honesty, and this is not to be besmirch any of our Federal  
4 authorities, but I don't think we can appropriate or legislate our way out of the mess that  
5 we're in right now because a lot of it is because of the state of our country, and the fact  
6 that we are fractured.

7 And so there's no Federal agency that's been created to really combat the issue  
8 that -- the larger issue that we face moving forward. We can pick away at the edges,  
9 you know. I've had friends within FBI who say: We need to have a terrorism statute  
10 with teeth and all these other things, but at the end of the day -- and this is going to  
11 sound pretty corny, but I'm corny; that's fine -- national unity is probably what we need  
12 to get through this.

13 It's gotten us through a lot of other catastrophes in our time, and, you know, we'll  
14 need that for this one.

15 Q And so this may be sort of duplicative or falling in line with what you're  
16 saying in terms of not seeing or wanting there not to be either legislative overreach or  
17 reaction, if you don't see that as the solution. So that this may not-- you may not have  
18 an answer to this, but we do ask everyone. You know, we're going to come out, the  
19 select committee, with a series of recommendations as part of our charge, things to  
20 propose so that we can avoid what happened in the past, you know, and you've listed, of  
21 course, a lot of things that went wrong, and so potentially those could be the focus of  
22 other recommendations.

23 Do you have recommendations that you think the select committee should make,  
24 you know, things that you think, going forward, would really help and try to alleviate this  
25 from ever happening again?

1           A     Yeah. I can make them because I'm not in government any more. So I  
2     have no horse in the race. So I think that -- I'll be succinct. The role of the fusion  
3     centers needs to be evaluated as a positive and looking at how the fusion centers can be  
4     bolstered to kind of fight the threats in the future, and -- and brought together in a way  
5     that we did. I think that there needs to be clear lines of delineation for the domestic  
6     terrorist threat and the domestic extremism threat.

7           Notice I didn't use the word "domestic terrorism" at all in talking about  
8     January 6th. Domestic extremism threat, but there is -- there is still a lot of gaps in what  
9     DHS can do, and so that line needs to be drawn between FBI and DHS, particularly for INA  
10    and what roles they play. And I think that, once again, we had to do this after 9/11, and  
11    we'll have to really do this now. And I believe the DOJ/OIG is looking at this as well, and  
12    I've met with them.

13          We really need to look at what the mandate is for the Federal Bureau of  
14    Investigation to share information and share information in the way that DHS shares it  
15    freely and without, you know, any expectation of some type of transactional relationship.

16          And that's -- once again, it reared its ugly head, I think, again. And I think that,  
17    you know -- you know, those would be my big ones. And I think the last one is there  
18    needs to be a national conversation about what, you know, kind of unity and  
19    reconciliation looks at. That may be a little too lofty, but I'll throw that out there  
20    anyway.

21          [REDACTED] All right. In these waning minutes, I want to ask if any of my  
22    colleagues have any final questions they have for the witness.

23          [REDACTED] Dr. Harvin, you made the point that you did not use the phrase  
24    "domestic terrorism;" you used the phrase "domestic extremism." I'm wondering if you  
25    can explain why you chose those words.

1           Mr. Harvin. I've done so from a practical standpoint because I don't believe  
2 anyone's been charged with terrorism yet to date. And so, you know, I'll rely on the DOJ  
3 to make that determination, but I also think that to broadly paint or use the term  
4 "terrorism" for what happened on that day -- and we've had these discussions. It could  
5 clearly be applied, right?

6           You know, using violence, you know, against a government entity for political  
7 ends, right? It clearly could apply. I think it becomes a slippery slope and, you know,  
8 given how tumultuous our political environment is and how, you know, dare I use the  
9 term "sectarian" our political environment is, it could be easily -- you know, if you start  
10 labeling everybody that participated on January 6th as a terrorist or that January 6th is a  
11 terrorist event, I think that would -- that would bode unwell for future First Amendment  
12 protected activities that could devolve, easily devolve, into violence or could get a little  
13 spicy.

14           And so -- but, once again, I look towards DOJ and see what they say, but, you  
15 know, I'm pretty cautious because one person's, you know, terrorist is another person's  
16 freedom fighter and vice versa. And all you need is a change in administration or a  
17 change in the legislative body and regular law-abiding citizens could be labeled terrorists.

18           Plus, you know, we know that there were people that provided services to a lot of  
19 the individuals -- the caravans that were driving up here, people couldn't come, they  
20 opened up their homes and their restaurants and places, shops, and businesses to, you  
21 know, feed or just let people use the rest room, and going downstream are you going to  
22 charge all those people with, you know, material support to terrorism?

23           So it's a lot more a sophisticated discussion than I can have because I'm not an  
24 attorney, but, you know, I try to stay away from those absolutes because, once again, it  
25 doesn't get us towards some type of healing process to kind of use -- to throw that word

1 around. I think it's a very heavily -- heavily weight word.

2 [REDACTED] And just in my final question to you. In the beginning, you  
3 mentioned, post-9/11, that there was the shift in the intelligence. Do you feel that  
4 there should be shifts [inaudible] what's happening domestically? I think that's what  
5 you were alluding to. And I see you nodding your head.

6 So the next overall point is you also mentioned that you don't believe that there  
7 should be any additional statutes or more teeth to the statutes that we currently have.

8 Do you view the lack of focus on domestic extremism, domestic terrorism,  
9 however you want to phrase it, as a prioritization issue or a resource issue with law  
10 enforcement?

11 Mr. Harvin. I believe that the lack of focus on domestic -- the domestic threat  
12 has been a prioritization issue, and I believe that we need to be able to look at our  
13 transnational terrorist organizations, our drug cartel, and narcoterrorist, and our  
14 domestic terrorists all with the same -- all with the same ability to match the threat that  
15 they face. And, in not doing so, this is what you have.

16 It's also very difficult to look at ourselves because when we look at radical violent  
17 extremism in the United States, we have to hold up the mirror because they're us, right?  
18 It's not some foreign fighter. It's not some person who doesn't look like us and speaks  
19 another language in another culture. It's us.

20 So how do you deal with that? It's something that we have to start tackling.  
21 And it's not necessarily a statute, right? Because Timothy McVeigh -- and it's not to  
22 sound trite -- would have gone and done what he did irrespective of whether there was a  
23 statute or not.

24 So these individuals are determined, and I think it's a more sophisticated approach  
25 to dealing with this. And a lot of that deals with just, you know, meeting the needs of

1 the intelligence community at the State and local level and giving them the support they  
2 need.

3 [REDACTED] Thank you. Thanks, [REDACTED] Thanks, Dr. Harvin. Appreciate  
4 you taking the time and giving us the time beforehand was really informed us going with  
5 this interview. [Inaudible] so appreciate it. And good luck to you.

6 Mr. Harvin. Thank you. Thank you, everybody. Take care.

7 [REDACTED] Yes. Thank you so much.

8 Mr. Harvin. My pleasure.

9 [Whereupon, at 4:00 p.m., the interview was concluded.]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

\_\_\_\_\_

Witness Name

\_\_\_\_\_

Date